

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 8 October 2018**

PRESENT

Councillors: Ted Fenton (Chairman); Duncan Enright (Vice-Chairman); Maxine Crossland, Harry Eaglestone, Hilary Fenton, Steve Good, Jeff Haine, Peter Handley, Peter Kelland, Richard Langridge, Nick Leverton, Carl Rylett and Ben Woodruff

Officers in attendance: Phil Shaw, Joanna Lishman, Stuart McIver and Keith Butler

35. MINUTES

The Chairman drew attention to the fact that a factual inaccuracy and some typographical errors had been corrected since the original draft had been circulated, and confirmed that the minutes to be signed were the accurate version.

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 10 September 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman, subject to the alteration of the final sentence on page 2 to refer to Councillor Langridge and not Councillor Bishop.

36. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were none.

37. DECLARATIONS OF INTEREST

Councillor Nick Leverton stated that he was a friend of the applicant in respect of 18/02606/FUL (land to the rear of 29 Corbett Road, Carterton), and would leave the meeting during its consideration because of the resulting conflict of interest.

Councillor Maxine Crossland advised that she had met the applicants relevant to 18/01517/FUL (Linden House, Kilkenny Lane, Brize Norton) and 18/02606/FUL (land to the rear of 29 Corbett Road, Carterton) socially, but that this was insufficient to create a conflict of interest.

Likewise, Councillor Ted Fenton reported that he had previously met the applicant in respect of 18/02103/FUL (land adjoining 24 Bakers Piece, Witney) in another context.

38. 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 was included within the Minute Book and published on the website.

(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:-

18/01611/FUL, 18/02103/FUL, 18/02606/FUL, 18/01145/FUL, 18/01517/FUL and 18/01987/LBC.

The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda).

The attention of the Sub-Committee was drawn to the background information update contained in the schedule of additional observations, referring to the recent adoption of the West Oxfordshire Local Plan by the Council and the consequent impact on references in reports and decision notices to the "emerging local plan" which needed to be amended accordingly.

RESOLVED:

- (a) 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; and
- (b) That any references in recommended reasons for refusal or conditions attached to consents which referred to the "emerging local plan" be amended to reflect the fact that the Local Plan had now been adopted.

p3 18/01145/FUL Lower Farm, Lew

The Planning Officer explained the proposal for the change of use of a games room to a holiday-let, which did not involve any external changes, and in respect of which the applicant had been required to demonstrate demand, via booking figures. The proposal would have no detrimental impact on local residents, and was consistent with various policies; and the legal agreement would need to be varied, to tie this unit with the others on the site.

Councillor Woodruff agreed with the comments made, and was supportive of the proposal.

Councillor Leverton asked about securing high standards for people with disabilities, and the Development Manager advised that this was covered by other legislation and the Building Regulations, but he would willingly attempt to take the point forward.

Councillor Kelland queried whether the proposal would have been positively received if the unit had not previously been a games room, and was advised that the newly adopted Local Plan supported expansion where justified, which was relevant to the earlier point about the demonstration of the need for the additional unit.

Councillor Hilary Fenton acknowledged that previous issues of non-compliance on the site had been resolved; and Councillor Handley considered it desirable for the site and buildings to be monitored.

Permitted as recommended, subject to the prior completion of the varied legal agreement, and to the Development Manager being requested to use best endeavours to maximise suitable accessibility for people with disabilities.

p8 18/01517/FUL Linden House, Kilkenny Lane, Brize Norton

The Development Manager presented the report and explained that the scheme for 32 units had been re-negotiated because some of the

relationships between houses had been unacceptable. The houses were substantial, which reflected the previously identified situation that there were insufficient larger units available in Carterton; and substantial tree planting in the country park would more than compensate for those lost on the development site. He went on to give the reasoning behind the acceptability of the proposal, and commented on the legal agreement in respect of which (i) there would need to be a variation to pro-rata the details up to the new total arising from 32 units; and (ii) there would no longer be an education element, because the County Council no longer wished for that. Finally, he explained a change in planning requirements which had come into effect on 1 October, whereby it was no longer legitimate to impose conditions requiring specified works to be completed prior to other development taking place, without the consent of the applicant. Accordingly, he suggested amendments to conditions numbers 17, 22 and 23, as reproduced below.

Councillor Crossland commented on the fact that an Inspector had considered development of the site to be acceptable, and that the proposal had to be considered in that light, and acknowledged and welcomed the improvements reported by the Development Manager, as well as the point made about larger houses.

In response to Councillor Leverton expressing surprise that highways issues had not been raised by the County Council in relation to the impact of the exit road on two dwellings, the Development Manager emphasised the point that 28 units had already been approved, so it would be necessary to demonstrate that the additional four units were sufficient to change the balance.

Permitted as recommended, subject to the prior completion of the varied legal agreement, and to conditions numbers 17, 22 and 23 reading as follows:

17. No dwelling shall be occupied until the details of the boundary treatment to serve that dwelling have been completed in accordance with details first approved in writing by the Local Planning Authority and the said boundary enclosures shall be retained thereafter.

REASON: To safeguard the character and appearance of the area

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

REASON: In the interests of road safety.

23. No dwelling shall be occupied until the parking area and driveways for that dwelling have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

p21 18/01611/FUL

Land at former Stanton Harcourt Airfield

The Development Manager introduced the application and displayed the plans, explaining which buildings were to be retained for conversion and which would be demolished.

Mr Mark Gay addressed the meeting in support of the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

The Development Manager then gave a detailed analysis, which included reference to the allocation of the site in the recently adopted Local Plan, and the fact that officers were content notwithstanding the number of units now proposed, an explanation of the proposed retention of footpaths and the types of housing proposed; the intention for the development to reflect the heritage of the previous use of the land for an airfield; the officer belief that the proposal was not unduly detrimental to the Conservation Area; reference to the relevance of the site being within a minerals consultation area; and the benefits which would accrue, and mitigation which would arise, from the proposed legal agreement.

Councillor Hilary Fenton advised of reservations relating to the smell on the site and its proximity to a rubbish dump, and was advised that there had been no comments on these aspects from the technical consultees, and that the site had already been found to be acceptable for 50 houses.

Councillor Good understood and acknowledged the reasons that there had been resistance to the proposal in the village, but emphasised the fact that the Sub-Committee had to base its determination on planning considerations, including the Local Plan allocation and the report and advice from officers. He was disappointed at the increase to 66 houses from 50, which represented a large percentage increase, but also stated that whilst he was not content, he could not see that there were sufficient grounds to warrant a refusal.

Councillor Haine referred to the obligation to make good use of available land, and considered that there was clearly sufficient room for the number of units now proposed.

Councillor Langridge considered it to be a good scheme, and welcomed the heritage aspects and the proportion of bungalows. Whilst sympathetic with the point about the increase in numbers, there were no planning reasons to refuse.

In response to comments and questions from Councillor Leverton, the Development Manager advised that it was not possible to include a condition to prevent any future provision of additional units, and that any proposal for such would have to be considered on its merits. The landscape agreement was also relevant, and any increase would have to be accommodated within the applicable area of the site.

Councillor Kelland enquired as to whether the site was monitored for gases and smells, and was advised that that would be the responsibility of the Environment Agency, which licensed the nearby tip.

Councillor Handley understood that a problem might arise from methane gas, which he believed to be heavier than air, and considered that the decision should be deferred for assurances and investigations.

Councillor Enright was advised that all parking was contained within the site, and then also enquired about sewage aspects, whilst noting that Thames Water did not have any concerns. The Development Manager referred to the Thames Water response included in the report and also to the observations of the Environment Agency, and cited the relevance of recommended conditions.

Councillor Enright also queried sustainability, and proposals for rain water gathering and modern construction methods for zero carbon impact, and was advised that the Government sought to minimise the involvement of the planning authority in such matters, believing them to be relevant to Building Regulations. The Development Manager also outlined the benefits of the proposed legal agreement.

The Officer recommendation was proposed by Councillor Haine and seconded by Councillor Langridge.

Permitted recommended, subject to the prior completion of the recommended legal agreement.

p45 18/01987/LBC

Wheelwrights Cottage, Bridge Street, Shilton

The Planning Officer introduced the application and explained the reasons that the proposed double glazing was considered to be acceptable, which often was not the case for a Listed Building. The Conservation Architect had no objections, hence the recommendation to grant Listed Building Consent.

Consent granted, as recommended.

p48 18/02103/FUL

Land adjoining 24 Bakers Piece, Witney

The Planning Officer introduced the application and explained the proposal including a correction to the report in that two of the proposed car parking spaces were for the new property and two for the existing. She also explained the reasons that an appeal against the refusal of a previous application had been dismissed.

Ms Maria Desbrow addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix B to the original copy of these minutes.

The applicant, Mr Brian Cade, addressed the meeting. He expressed difficulty in understanding the recommendation for refusal, given the previous officer support for development and the facts that the previous proposal had been rejected by one vote and had been for three dwellings rather than one, and that the current proposal did not include demolition of the wall. Further, none of Witney Town Council, Oxfordshire County

Council and the Conservation Officer had raised any objections. He contended that the site was not an open space, being hemmed in by the scrap yard and Bakers Piece, and asked for the application to be approved.

The Planning Officer explained that the principle, form and impact of the development on residential amenity were all considerations, and that officers did not consider the reduction in height of the proposed dwelling to be sufficient to overcome the views expressed by the Inspector when dismissing the previous appeal. The applicant had not provided sufficient justification that the harm caused by the development was justified, and the Development Manager cited privacy, loss of light and the over-bearing nature of the proposal, and also stated that a single dwelling was not reflective of housing need.

Councillor Langridge referred to the site visit undertaken in relation to the previous application, and felt the key consideration to be whether the objections of the Inspector had been overcome, which he did not believe to be the case. He felt that the open area was important, and that the proposal was detrimental to the Conservation Area with no planning need having been demonstrated.

Councillor Handley considered the house too large and to be detrimental to the adjacent property, albeit that property was in the ownership of the applicant. He felt there might be a case for deferral and seeing whether the site and land could be tidied.

Councillor Good expressed sympathy for the applicant insofar as he had sought to follow through on advice given in relation to the original application. In response, the Development Manager explained that where there was a relevant dismissal of an appeal, the Inspector's findings became the primary/key consideration, and that officers had to be consistent with the findings of the Inspector.

Councillor Haine agreed with the previous comment, and highlighted paragraph 5.2 of the report.

Refused as recommended.

p55 18/02606/FUL

Land to the rear of 29 Corbett Road, Carterton

In accordance with his stated conflict of interest, Councillor Leverton left the room whilst this application was being considered.

The Planning Officer introduced the application and expressed the reasons it was considered that the application should be refused. She also explained that a previous application for ten houses on the site had been the subject of an appeal against non-determination, which had been dismissed, and drew attention to the proposed revised wording of the refusal reason, as set out in the schedule of additional observations,

The applicant, Mr Ashley Farmer, addressed the meeting. A summary of his submission is attached as Appendix C to the original copy of these minutes.

The Planning Officer then further explained the background, insofar as negotiations on the previous application for ten houses had been in

progress when the appeal for non-determination had been lodged. The decision of the Inspector thus became the primary reference for officers in considering the current application, and the concerns of the Inspector in relation to the site were outlined.

Councillors Langridge and Haine were both in agreement with the professional advice, and acknowledged the importance and relevance of the appeal decision.

Councillor Handley was concerned that there might be a perceived inconsistency of approach, given other previous development to the rear of Corbett Road.

The Development Manager again referenced the appeal decision, and also explained that when there had been no Local Plan in place the tilted balance approach was such that certain developments were possibilities, whereas now that development was once again plan-led, the balance had shifted. The strength of the appeal dismissal was such that the conclusion was much clearer than it would have been before the appeal.

Refused as recommended, subject to the amendment of the reason for refusal to read as follows:

By reason of the location of the proposed dwelling and new access road, within an area of largely open area of land where there is not residential development at present, the proposal would extend the built form of this part of Carterton into the rural landscaped setting of the town. The proposed dwelling would have an urbanising impact upon this attractive rural area which would be harmful to the landscaped setting of the town. The vision splays that would need to be created for the access to serve the proposed dwelling is likely to result in the loss of mature landscaping along the boundary with the road, which would be harmful to the character and appearance of the area and the setting of the town. The proposal is contrary to Policies EHI, OS 1, OS2 and CA 3 of the Adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

(Councillor Handley requested that his abstention from voting be recorded).

39. 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 was received and noted.

The Sub-Committee noted that item no. 19 was within the Woodstock and Bladon Ward and should therefore have been reported to the Uplands Area Planning Sub-Committee.

The meeting closed at 4:05 pm.

CHAIRMAN