

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 11 March 2019**

PRESENT

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

Officers in attendance: Amy Barnes, Miranda Clark and Abby Fettes

64. MINUTES

Matters arising – Minute Number 63. The Chairman thanked Councillor Rylett for circulating his hints and tips document advising Members how to re-set the parameters on the planning system to ensure they received notification of applications within their Wards. He confirmed that the system was now working.

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 11 February 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

65. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Peter Kellan and Ben Woodruff.

66. DECLARATIONS OF INTEREST

Councillor Good declared an interest in Application No. 18/03669/FUL (The Osprey, Upavon Way, Carterton) by reason of his position as a Board Member of Cottsway Housing and indicated that he would leave the room during consideration of the application.

67. 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 18/3646/FUL Land South of 95 Milestone Road, Carterton

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

Mr Huw Mellor from Carter Jonas 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.

In response to Mr Mellor's submission, Councillor Crossland asked him to clarify what he had meant by 'no statutory consultees had raised objections'. Mr Mellor explained that he had meant that no statutory "professional" consultees had raised objections but he accepted that the Town Council had objected. Councillor Crossland pointed out that RAF Brize Norton had also objected but it was noted that the Environmental Health Officer's concerns could be dealt with by adding appropriate conditions.

In response, Mr Mellor highlighted that the applicant's noise consultant had provided further supporting comments in the update report which advised that local level noise was below regular levels. In addition, Mr Mellor reminded Members that the land located to the south of the development site had been allocated for housing development in the Council's approved Local Plan.

The Planning Officer accepted that the land located behind the development site had been identified as a suitable site for building approximately 200 homes. The update report outlined responses from the Ministry of Defence, the Council's Environmental Health officer and officers advised that they had received additional biodiversity conditions from Ecology.

Councillor Leverton reminded Members that when the original application had been before the Committee, the proposal had been turned down because it was felt to result in overcrowding. He felt it was a very cramped site and the parking provision fell short of the useable spaces needed. Whilst the original permission for three dwellings had felt appropriate, to add a further two would be overdevelopment of the site resulting in overcrowding so he did not feel he could support the recommendation.

Councillor Crossland stated that she had been minded to support the application when she had first received the papers but having read the update report she did have concerns regarding the noise issue. She felt that as the properties were being described as 'family homes' this, by definition, meant that children would be living in the properties and playing outside. She felt that the comment from the MoD relating to aircraft noise was a concern, despite officer's stating that there was nothing to worry about. She had serious concerns about the impact on future residents' quality of life and reminded Members that the noise levels would increase if there was low cloud to trap in the sound. Councillor Crossland accepted that the applicant proposed to deliver high quality dwellings but did not feel that this proposal would provide a high quality of life and was inappropriate for families in this area.

Councillor Langridge stated that in relation to the noise issue, the site already had approval to build three dwellings and queried why the noise issue was not relevant to those properties.

The Officer recommendation was proposed by Councillor Langridge and seconded by Councillor Good. In seconding the proposition Councillor Good stated that whilst he had sympathy for the potential noise issues that the children playing outside would encounter, there were already other families living in the surrounding areas. In addition, he stated that because the site had existing permission to build three properties, he had no problem with the applicant requesting to build five.

Councillor Handley reiterated the comments made relating to the additional housing designated in the Local Plan to the south of the site. Whilst he understood the members concerns, he did not feel that the Council would be successful if it went to appeal, which in turn could result in costs being incurred. He pointed out that Larkspur Close was nearer to the runway and as long as the houses had triple glazing, the noise was not an issue from inside the properties. He felt that the noise issue would be the same as any other houses encountered in the area.

Councillor Rylett was undecided as to how he felt about the proposal because he was concerned that the site would be cramped with five dwellings. He queried the inclusion of conditions relating to refuse bins, drainage and boundary treatments and wondered if members had enough information to make a robust decision.

In response, the Planning Officer advised that the boundary fence condition was a standard condition which also had to include reference to hedgehog routes. In addition, the removal of the permitted development rights and the reference to refuse bins were also standard conditions.

Councillor Haine, whilst he didn't have a problem with the noise issues being raised, did feel that the five properties were being squeezed onto the site, resulting in a cramped and contrived layout. He felt that three properties would fit more easily and would give future occupants greater amenity space.

Councillor Leverton queried the level of parking provision and was assured that, alongside the parking available in the garages, officers and the Highways Department were happy with the proposal.

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

Permitted

Councillor Crossland requested that her vote against the proposal be so recorded.

12 18/03669/FUL The Osprey, Upavon Way, Carterton

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

Councillor MacRae addressed the meeting in his capacity as Ward Councillor. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Planning Officer outlined the additional information in the update report, which advised that the Ecology Officer was content with the proposal, subject to the inclusion of biodiversity conditions. She explained that there had not been a consultation response received from the Highways Authority because they were experiencing low staffing levels but that consent for the general highway provision had been given previously.

In addition, some concern had been raised regarding the 'underpass' and residents were keen for this to remain 'open'.

Following a question from the Chairman, the Planning Officer clarified that there was one vehicular access in and out of the site, in a cul-de-sac fashion and this was complimented by two pedestrian accesses. Officers had hoped that the pedestrian access across Ministry of Defence (MoD) land could become a vehicular access in the future but at present, this was a 'ransom strip' in the MoD's ownership which they were currently not willing to relinquish.

Councillor Crossland expressed her support for the application which had been a very long time coming and she agreed with the Ward Councillor's statement that this would provide much needed affordable housing. Councillor Crossland was slightly disappointed that the proposal was only for two bedroomed properties and above and hoped that the need for one bedroom accommodation would be considered in future. In response, officers advised that the proposal included eleven, one bedroom flats.

The Officer recommendation was proposed by Councillor Crossland and seconded by Councillor Enright. In seconding the proposition Councillor Enright queried the Town Council's concerns regarding contamination and was advised that conditions had been agreed with the Environmental Health Officer and the Environment Agency to manage the issue. He also suggested that the future name of the development could reflect the history of the site but noted that this would be a town council decision.

Councillor Handley reflected on the length of time it had taken the application to come forward but in fairness to the applicant it had taken three years to obtain outline permission. He expressed his gratitude to the applicant for sticking with the proposal and hoped that development could commence as soon as possible.

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

Permitted

(Councillor Good left the room whilst the above item was discussed)

21 19/00289/FUL 65 Mayfield Close, Carterton

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

The Planning Officer read out an additional representation received from Mr Wood of 105 Mayfield Close, who was objecting to the application. This is attached at Appendix C to the minutes.

In response to the representation from Mr Wood, the Planning Officers clarified that there was no restriction on the number of times an individual could apply for planning permission on the same site. In addition, the appeal referred to the application for an extension and not a single dwelling.

Councillor Leverton reminded Members that it was only eight weeks since this application had been before Committee for approval of the extension. He felt that the proposal to turn this into an individual dwelling would remove the amenity space from the adjoining property and referred Members to the note that was added to the existing permission in 2018 which read:

The extension hereby permitted shall be used only as ancillary accommodation to the host dwelling due to scale of development proposed.

A recommendation of refusal, contrary to the officers' recommendation, was proposed by Councillor Leverton and seconded by Councillor Crossland on the grounds that the proposal was overdevelopment of the site and resulted in a cramped and contrived layout.

Councillor Crossland queried what had changed since the previous permission and felt that this would be difficult to refuse because there was no objection from County Highways and no specific guidance on the size of garden that was acceptable.

The Chairman asked what weight should be given to the informative added to the previous permission and was advised that each application should be considered on its own merits.

Councillor Handley raised a concern that if Members were minded to grant this permission, it could be seen as setting a precedent. That was why the Committee had added the informative note. He stated that this felt like a case of the applicant 'thumbing his nose' at planning policy and agreed that the previous covenant should remain.

Councillor Good expressed his sympathy to the comments being raised, he was struggling to find a refusal reason on planning grounds.

Councillor Haine stated that he had supported the application for an extension but felt that two families living in the same area would be cramped and contrived. He also felt there was not enough visitor parking provided and there was a difference between an extension and a single dwelling.

Councillor Langridge agreed and felt this was overdevelopment of the site which was not in keeping with the surrounding area.

Councillor Leverton sympathised with the Officers reasoning but was worried that the layout would not work in practice.

Members felt that the application should be refused, contrary to the officers recommendation because it was overdevelopment of the site, would result in cramped and contrived conditions and did not provide safe parking amenity. In addition, the Committee felt that the previous informative note restricting the use of the extension was relevant and should be reiterated.

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

Refused for the following reason:-

By reason of the form and scale of the proposed independent dwelling, together with the limited resultant garden amenity space to serve the existing and proposed units, the proposed development will result in an over development of the site and appear cramped within the streetscene which will detrimentally affect the character of the area, and it does not provide safe and convenient vehicular access. This type of development if permitted could set a precedent for other similar types of development which cumulatively will further erode the visual environment of the area to the detriment of people living in the area. The proposal is therefore considered to be contrary to Policies OS2, OS4, and H6 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF 2019.

27 19/00387/PN42 143 Thorney Leys, Witney

The Planning Officer presented her report and advised that the application was before Members of the Committee because the applicant was a District Councillor.

Following a question from the Committee, the Planning Officer explained that this was a larger home extension and it had been determined that prior approval was not required. However, it was felt appropriate that the matter should be brought to the Committee's attention although there was no permission to be determined.

Officers advised that, in future, these matters could be dealt with under delegated powers but this would require a change to the scheme of delegation.

It was agreed that Members only needed to note the report.

The recommendation to note the report was proposed by Councillor Enright and seconded by Councillor Langridge.

This was then put to the vote and was carried.

Noted

68. 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 appeal decisions was received and noted.

The meeting closed at 3.00 pm.

CHAIRMAN