

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 August 2019**

PRESENT

Councillors: Carl Rylett (Vice Chairman – in the Chair), Owen Collins, Maxine Crossland, Harry Eaglestone, Jeff Haine, Nick Leverton, Alex Postan, Richard Langridge, Harry St John and Ben Woodruff.

Officers in attendance: Abby Fettes, Stephanie Eldridge, Claire Green, Kelly Murray and Paul Cracknell

16. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 8 July 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

17. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Steve Good and Kieran Mullins and the following resignations and temporary appointments were received and noted:-

Councillor Richard Langridge for Councillor Duncan Enright
Councillor Alex Postan for Councillor Ted Fenton
Councillor Ben Woodruff for Councillor Hilary Fenton

18. DECLARATIONS OF INTEREST

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

19. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Business Manager – Development Management 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:-

18/03244/OUT, 19/00684/FUL, 19/01030/FUL, 19/00875/RES, 19/-1364/FUL, 19/0139/FUL, 19/01392/LBC, 19/01642/FUL, 19/01654/FUL and 19/01839/S73.

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 Business Manager – Development Management, subject to any amendments as detailed below;

3 18/03244/OUT Land South of The Hollies, New Yatt Lane, New Yatt

The Principal Planner introduced the application.

Mr Andrew Eaton, the applicant's agent, 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 Principal Planner then presented the report containing a recommendation of refusal.

In response to a question from Councillor St John, Members were advised that the Hailey Neighbourhood Plan had not yet been adopted and was to be the subject of a referendum to take place on 29 August.

Councillor Langridge asked whether the site incorporated the Saddlers Arms public house and questioned whether the loss of this local facility should be considered as a further reason for refusal given that no permission for change of use had been granted. Councillor Haine agreed that the Council should seek to retain the public house and see it returned to use.

Councillor St John questioned whether the public house was within the site and the applicant's agent confirmed that the pub did not form part of the application.

Councillor Postan suggested that Members should be mindful of the fact that the principle of development of the site had received the support of local residents in the neighbourhood planning process.

The Principal Planner advised that, whilst the site had been identified as suitable for development during the neighbourhood plan process, it had been deleted by the planning inspector and no longer formed part of the plan. Councillor Postan suggested that if the neighbourhood plan had been amended against the wishes of the community, consideration of the application should be deferred.

Councillor Haine advised that neighbourhood plans ought not to conflict with the adopted local plan. Councillor Crossland suggested that if Members were in any doubt as to whether development was appropriate, they should refuse the application and maintain the status quo as the applicants could make a resubmission should circumstances change. Whilst the applicant's agent might consider that the planning inspector was wrong in deleting the allocation, that decision had been made and it was not for the Council to question the inspector's judgement; the Council had to be guided by the Planning Inspectorate.

Having been proposed by Councillor Langridge and seconded by Councillor Woodruff the Officer recommendation of refusal was put to the vote and was carried.

Refused

12 19/00684/FUL Manor Bungalow, 41B High Street, Standlake

The Planning Officer introduced the application.

Mr Andrew Bateson of westwaddy ADP addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Ms Samantha Garrett then addressed the meeting on behalf of the Standlake Parish Council in opposition to the application. A summary of her submission is attached as Appendix C to the original copy of these minutes.

Mr Mike Gilbert, the applicant's agent, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

In response to a question from Councillor Leverton, Mr Gilbert advised that he considered that the impact upon existing premises would be minimal as the rear boundary of the site was well screened with adequate separation distances between proposed and existing properties.

In response to a question from Councillor St John, Mr Gilbert advised that, whilst the application site was in the same ownership, it sat outside the curtilage of the adjacent listed building. Councillor St John asked whether the extent of the curtilage could be established through the listing and the Principal Planner advised that entries were not sufficiently detailed.

The Planning Officer then presented her report and reported receipt of revised plans. As the Council's ecologist had not yet had sight of the amended plans she recommended that the Business Manager – Development Management be authorised to approve the application subject to that officer having no adverse comments on the proposals.

Councillor Haine suggested that the existing bungalow on the site would not receive planning permission today and he saw no need to make the position worse by permitting the construction of additional properties. This was back-land development in an area of linear development that would set a precedent for similar applications. In addition, the development would have a detrimental impact upon the nearby listed building; result in the loss of trees and the loss of an area of landscape value.

Accordingly, Councillor Haine proposed that the application be refused as being contrary to Policies OS2, EH2, EH3, EH11 and EH13 of the adopted Local Plan. The proposition was seconded by Councillor Postan who considered that development would be detrimental to the siting of the listed building whilst failing to provide any benefit for local residents.

Councillor St John expressed his concern over the loss of trees and the precedent that would be set by allowing this back-land development.

Councillor St John questioned whether the permission for the existing building on the site had incorporated any restrictive conditions. In response, the Senior Planner advised that the previous application, determined in 1992, had been considered against a very different policy environment.

In response to questions from Councillor Crossland, the Planning Officer advised that no response had been received from Thames water and confirmed that the Council's Conservation Architect was content with the revised plans.

Councillor Leverton expressed concern regarding the adequacy of the access as he considered it too narrow to allow two vehicles to pass. Given the additional traffic movements likely to be generated by the additional dwellings, he was concerned that this could result in vehicles reversing back out onto the highway.

Councillor Langridge recognised that this was an 'on balance' recommendation from Officers and considered that the proposed development was an improvement upon the existing property. He indicated that he could see arguments in its favour and felt that there may be a need for a more flexible approach. He suggested that there could be merit in undertaking a site visit.

Councillor St John reiterated the concerns expressed over the adequacy of the access and the loss of trees in the highway verge necessitated by the diversion of the footway.

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

Refused for the reasons set out above.

20 19/01030/HHD 9A West End, Witney

The Planning Officer introduced her report and advised that the applicant had provided revised technical drawings indicating that the guttering no longer extended over the boundary with the neighbouring property.#

Mr Guy Plowman addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

The Local Representative, Councillor Toby Morris, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The Planning Officer then presented her report containing a recommendation of conditional approval. She indicated that the key consideration was one of loss of residential amenity and stressed that the question of access for future maintenance was not a relevant planning issue as the owners of the neighbouring property were under no obligation to allow access.

In response to a question from Councillor Crossland, the Planning Officer confirmed that the roof of the proposed conservatory was to be covered with slates with a lantern window.

Councillor Crossland advised that she had found the site visit useful and indicated that she felt unable to support the Officer recommendation of approval as she believed that, given that the garden of the adjoining property was already bounded by stone walls on three sides, the development as proposed would create an unacceptable sense of enclosure and loss of amenity.

Accordingly, it was proposed by Councillor Crossland and seconded by Councillor Langridge that the application be refused.

In seconding the proposition, Councillor Langridge acknowledged that this was an 'on balance' recommendation and, whilst the proposed conservatory would not result in a material loss of light, he agreed with Councillor Crossland that it would create an unacceptable sense of enclosure and loss of amenity.

Councillor Postan questioned whether the guttering as proposed could be maintained without accessing the neighbouring property and suggested that there could be a better technical solution.

Councillor Leverton expressed his support for the proposition and Councillor Haine concurred, considering the application to be contrary to Policies OS2, OS4 and H6 of the adopted Local Plan.

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

Refused for the following reason:-

The proposed conservatory, by reason of its siting, design and form, would result in an unacceptable sense of enclosure and loss of amenity to the detriment of the occupants at No.7 West End contrary to policy OS2 and H6 of the adopted West Oxfordshire Local Plan 2031 and the relevant paragraphs of the National Planning Policy Framework.

26 19/00875/RES

Land East of Mount Owen Road, Bampton

The Senior Planner introduced the application. She made reference to the report of additional representations and advised that the County Council had withdrawn its objections.

Dr Roger Preston and Mr Trevor Milne-Day addressed the meeting in objection to the application. A summary of their submission is attached as Appendix G to the original copy of these minutes.

The local representative, Councillor James Mills then addressed the meeting in objection to the application. A summary of his submission is attached as Appendix H to the original copy of these minutes.

Ms Donna Palmer and Mr Aidy Hicks, the applicant's agents, then addressed the meeting in support of the application. A summary of their submission is attached as Appendix I to the original copy of these minutes.

Councillor Leverton enquired whether, in an emergency, surface water run-off would flow into local streams and rivers. In response, Mr Hicks advised that provision would be made for up-stream storage. If there was an issue then the overspill would run to the northern ditch as agreed with the local drainage authority.

Councillor Leverton questioned whether the existing sewerage system was adequate to cope with the additional flows from the new development. Mr Hicks advised that Thames water had advised that the existing system was adequate and explained that, as the new development would be served by a pumped solution, it was possible to control the discharge rate.

The Principal Planner then presented her report and advised that the proposals were generally in accordance with the outline consent. She advised that she had received confirmation from Thames Water that they would adopt a surface water pumping station if it was built to adoptable standards.

Although the developers were not obliged to offer the pumping station for adoption, they had confirmed that their intent was for this and the highway to be adopted by Thames and OCC respectively.

The County Council would only adopt the highway if the drainage system underneath it is adopted by Thames Water

These processes are dealt with separately from the planning process and it is not until the end of these processes, which include an extended maintenance period after the development have been built, that the adoption will take place.

The SuDS elements would not be adopted by Thames Water. They will be adopted by the County Council where they solely take highway water and where they take both highway and private water, they will be maintained by a management company. This is the common approach for new housing developments.

If for any reason the pumping station does not get adopted, if the highways and drainage system flowing to the pumping station become adopted, OCC and Thames Water would have an easement to maintain the pumping station if there is an issue.

If the pumping station does fail, then extra storage had been provided and an overflow to the ditch to the north has also been provided which will ensure water flows away from the village of Bampton.

Therefore in the event of a failure of the drainage system, there would be no increased risk of flooding to properties in Bampton.

The Principal Planner then put forward a revised recommendation that the application be approved subject to the conditions requested by the County Council, together with those circulated at the meeting and attached as Annex 1 to the original copy of these minutes.

Councillor Postan indicated that he shared the concerns expressed by Councillor Ted Fenton as local representative and suggested that the applicants should reconsider the name of the development. He questioned what would happen if the sewerage pumps failed and drew a comparison with difficulties experienced at Bradwell Grove and Shilton.

Councillor Postan proposed that consideration of the application should be deferred and the exact location of surface water overspill identified.

He considered that the construction access from Aston Road was preferable as a primary route than that from Mount Owen Road and suggested that could form a permanent access.

Councillor Postan also considered that the road widths within the development were inadequate for service vehicles and the consequent reliance on communal bin stores was unacceptable. He suggested that the road network should be revised to allow for refuse collection vehicles to access individual properties.

In seconding the proposition, Councillor Crossland indicated that there was a degree of local concern regarding potential flooding and the impact upon residential amenities resulting from the removal of existing hedgerows and trees. She suggested that additional tree planting was required along the northern boundary of the site and considered the assessment of the impact upon privacy and amenity to be too vague with more detail of the proposed landscaping scheme being required.

Councillor St John felt that draft conditions should have been provided earlier as there was not sufficient time to fully consider those circulated at the meeting. He continued to harbour concerns over drainage and suggested that a representative from the County Council should be present at a future meeting. Councillor St John also sought confirmation that Thames water had agreed to adopt the proposed pumping station. He felt that the design of the development was poor within this historic village and considered that the dwellings should be constructed using stone and slates. It was regrettable that the affordable housing was to be constructed in brick and Councillor St John felt that stone ought to be used. There was no pedestrian crossing on Mount Owen Road and no play area within the development. The area set aside for balancing ponds could not be used and would have to be fenced off. There was no provision for two bedroomed market housing and none for the elderly.

Councillor Haine concurred and noted that the outline consent had approved the means of access and development of up to 160 units. This did not commit the Council to approving that number with an unacceptable access. Councillor Haine considered that Mount Owen Road needed to be widened to provide a safe access and felt that the internal road network was inadequate. He agreed with Councillor Postan that communal bin stores were inappropriate.

Councillor Haine considered the use of red brick and render to be inappropriate in this location as it failed to respect the local vernacular. He suggested that the development should be built entirely in stone and felt that the roads should be widened. Finally, he expressed concern over arrangements for sewage disposal and surface water run-off and proposed an amendment that the application be refused on grounds of design, materials, layout (including highway width) and concerns over sewerage arrangements and surface water run-off. This was seconded by Councillor St John.

Members were advised that this exceeded what could be considered an amendment to the original motion of deferral which should be determined first. Councillors Postan and Crossland withdrew their proposition of deferral and, having become the substantive motion, the recommendation of refusal was put to the vote and carried.

Refused on grounds of design, materials, layout (including highway width) and concerns over sewerage arrangements and surface water run-off.

Councillor Postan suggested that any subsequent application should make provision for fat traps, electric vehicle charging points, energy efficiency measures and a pedestrian link to the existing settlement.

38 19/01364/FUL

Queens Head, 17 Queen Street, Eynsham

The Planning Officer introduced the application.

The applicant, Mr Mark Crocker, addressed the meeting in support of the application. A summary of his submission is attached as Appendix J to the original copy of these minutes.

In response to a question from Councillor Leverton, Mr Crocker confirmed that he was in discussion with the management company regarding his proposals to improve the kitchen facilities at the property.

Councillor Langridge suggested that the pizza shack could be allowed to remain on a temporary basis and questioned how long it would take for a permanent solution to be put in place, Mr Crocker advised that he hoped that he would be able to resolve matters with the brewery in a year but, as negotiations with them could be protracted, it was possible for it to take two.

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

Councillor Rylett indicated that this was a popular, well supported local business which residents were keen to see retained and asked whether Officers could see a way to allow it to go forward. Whilst there had been some negative comments, he considered that these were exaggerated as the pizza shack was not visible from Queen Street and only in limited view from Queens Lane. Nearby residents had not raised any particular concerns or complained about smell and Councillor Rylett also expressed doubt that the impact of traffic generated by the business would add to the existing parking problems in the vicinity as the majority of customers would arrive on foot.

Councillor Crossland indicated that it was important for the Council to support local businesses if it could and, whilst recognising that the pizza shack was not a thing of beauty, questioned whether it could compromise by granting a time-limited consent to give the applicant the opportunity to find a better solution in discussion with the brewery.

Councillor Crossland asked whether it would be possible to grant a two-year temporary consent. The Planning officer advised that this would be possible but reminded Members that the Council's Environmental Health

Service had advised that the discharge stack height should be raised to be 1m above the ridge of any building within 15m.

Councillor Leverton agreed that the pizza shack was ugly but stressed that it was a working tool. The applicant wanted to keep the business open and had asked for the Council's help in identifying a solution. Councillor Leverton questioned whether the site could be screened and suggested that granting a six month temporary consent would concentrate the brewery to expedite the current discussions. He indicated that he favoured a temporary consent subject to a condition requiring the extension of the existing flue.

Councillor Langridge felt that the Council should help the pub and was sure that there was a way forward. He considered that a one year temporary consent would be acceptable without the need to extend the flue and proposed that the application be approved. The proposition was seconded by Councillor St John.

Councillor Postan noted that this was a temporary structure modelled on a shepherds hut. A temporary consent would give the applicant the opportunity to implement a permanent solution although Councillor Postan considered that the height of the flue should be increased.

In response to a question from Councillor Haine, the Planning Officer advised that the flue would have to be increased significantly in height to comply with published guidance.

Councillor Collins considered that the construction was acceptable and should be permitted. He liked the design and, mindful of the importance of supporting local pubs, wished the applicant well. Councillor St John concurred.

The Senior Planner invited Members to consider including conditions regarding hours of operation and the erection of screening but the Sub-Committee was not persuaded as to the necessity. The recommendation of approval was then put to the vote and was carried.

Permitted subject to the following conditions:-

1. That the development be carried out in accordance with the approved plans listed below.
Reason: For the avoidance of doubt as to what is permitted.
2. The development hereby permitted shall be limited to a period of twelve months from the date of this notice.
Reason: A permanent permission for the development is considered inappropriate given the historic and residential context of the site.

44 19/01391/FUL Reynolds Farm, Pound Lane, Cassington

The Senior Planner introduced the application.

Dr John Hemingway addressed the meeting in objection to the application. A summary of his/her submission is attached as Appendix K to the original copy of these minutes.

Councillor Crossland asked Dr Hemingway if his objection was on safety grounds alone or also in relation to the external appearance of the building. Dr Hemingway advised that, whilst the design of the property was considered reasonable, there was also a degree of concern in relation to the window in the gable end of the property which overlooked an area of the churchyard reserved for the interment of ashes.

Councillor Langridge expressed his admiration for Dr Hemingway's passion in protecting heritage assets and indicated that this was shared by the Council in seeking to do likewise.

Councillor Rylett advised that there was less sympathy for this application amongst the local community as residents saw this retrospective application and works to another building on the site as a disregard for the local planning process. He suggested that a condition should be applied requiring the window in the gable end of the building facing the churchyard to be obscure glazed and noted that concerns raised regarding adherence to Building regulations would be dealt with by that service. He suggested that a note be added regarding the use of fire retardant paint on the timber cladding and noted that the Council's Conservation Architect considered the windows to be acceptable in planning terms.

Councillor Postan proposed the Officer recommendation of approval.

Councillor St John asked whether the window overlooking the churchyard had been moved and suggested that, if it had, it should be reinstated.

The Planning Officer advised that, whilst it had been suggested that the window had been moved, the applicant maintained that this was not the case and there was no evidence of it having been relocated.

Councillor Langridge seconded the proposition and indicated that he considered the glazing to be acceptable.

Councillor Leverton found retrospective applications problematic and asked whether the Council received a fee for their determination. The Planning Officer confirmed that the usual level of fees applied. In response to a further question from Councillor Leverton, the Planning Officer advised that concerns raised by objectors over the use of a building as an Air B&B did not relate to the property under consideration but to another building on the site which was the subject of a separate investigation.

Councillor Crossland noted that the Conservation Officer was content with the application and made reference to similar applications approved by the Sub-Committee.

In response to a question from Councillor Langridge it was confirmed that the proposed conditions required that the building be occupied as ancillary accommodation only.

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

Permitted

55 19/01392/LBC Reynolds Farm, Pound Lane, Cassington

Listed Building Consent be granted

61 19/01654/FUL Land at 36 Highworth Place, Witney

The Planning Officer presented her report and advised Members that it was only intended to provide one off-street parking space to serve the proposed dwelling, not two as stated in the report. She advised that an ecology survey had been carried out and, whilst no evidence of bats had been found, she put forward a revised recommendation that the Business Manager – Development Management be authorised to approve the application subject to the views of the Council’s Biodiversity Officer.

Councillor Crossland expressed her support for the principle of development but stressed that the design had to integrate with existing development. She questioned whether the proposed Accoya wood façade would be appropriate. In response, the Planning Officer advised that all materials were subject to approval by the Council’s Officers in accordance with the proposed condition 3.

In proposing the Officer recommendation, Councillor Leverton suggested that more bungalows were needed in the District. The proposition was seconded by Councillor Postan who welcomed this inventive design, indicating that Accoya wood was a long lasting, sustainable material.

Councillor St John questioned whether a vehicle would be able to turn round within the site and was reminded that the Highway Authority was content with the proposed arrangements.

Councillor Langridge expressed his support for the application and considered the design and materials to be appropriate as proposed.

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

Resolved: That the Business Manager – Development Management be authorised to approve the application subject to the views of the Council’s Biodiversity Officer.

68 19/01839/S73 Caravan, Home Farm, Barnard Gate

The Senior Planner presented the report containing a recommendation of conditional approval and advised that separate enforcement action was under consideration with regard to the storage of materials on the site.

Councillor Leverton questioned whether there were any statutory requirements regarding the space between caravans and the provision of toilet facilities relevant to the application. The Senior Planner advised that these matters fell under the remit of Environmental Services and were not relevant planning issues. The appropriate Officers had been consulted on the application but no response had been received. Any application for the construction of a washroom and toilet block would be considered on its own merits but the proposed units had integral washing and toilet facilities.

Councillor St John asked whether these were to drain into a septic tank but was advised that this was not a relevant planning matter.

In proposing the recommendation, Councillor Langridge indicated that the impact of an additional pitch in this location would be minimal. The proposition was seconded by Councillor Postan who emphasised that the Council should support the travelling community to integrate.

The recommendation was put to the vote and was carried.

Permitted

72 19/01642/FUL Air Liquide Uk Ltd, Pink Hill Lane, Eynsham

The Planning Officer introduced the application.

Mr Paul Semple, the applicant's agent addressed the meeting in support of the application. A summary of his submission is attached as Appendix L to the original copy of these minutes.

Councillor St John suggested that, as a natural colour could not be replicated, the fencing should be painted black, not green. Mr Semple advised that this had been a request from the Council's Officers.

The planning Officer then presented the report.

Councillor Rylett advised that the Parish Council had expressed some concern over the storage of flammable gasses on the site but that these had been addressed in the report. It had been the Parish Council that had suggested that the fencing be painted green and Councillor Rylett asked that the developers work with the Parish to identify a suitable colour scheme.

Councillor Leverton asked whether the Fire authority had been consulted on the application and the Principal Planner advised that it was for the applicant to ensure that any necessary requirements were met. She confirmed that the appropriate consultees had been notified of the application.

Councillor St John made reference to the concerns raised in relation to the proximity to a gas storage and distribution depot during determination of the application on the Burford Road in Witney.

Councillor Postan noted that this site was also in a residential area and lacked the bunding associated with the Witney site. He proposed that consideration of the application be deferred to seek an assurance that the operational arrangements were safe. The proposition was seconded by Councillor Leverton.

The Planning Officer reiterated that appropriate consultation had been carried out and that no objections had been received. In response to a further question she reminded Members that the site had been in operation since 1997.

Councillor Langridge emphasised that the technical experts had been consulted and that the business had been in operation for a long time. The business should be encouraged to expand in the absence of any technical objections. Councillor Haine concurred and Councillor Crossland reiterated that there had been no objections from the technical experts.

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

Councillor Langridge then proposed the Officer recommendation of conditional approval. The proposition was seconded by Councillor Haine and on being put to the vote was carried.

Permitted

20. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined by the Business Manager – Development Management under delegated powers and appeal decisions was received and noted.

21. START TIME OF NEXT MEETING

In order to give those Members wishing to attend sufficient time to travel to the Ubico Annual General Meeting it was:-

Resolved: That the meeting of the Sub-Committee to be held on 2 September commence at 1.30pm.

The meeting closed at 5.25pm.

CHAIRMAN