

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 September 2019**

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Owen Collins, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good, Jeff Haine, Nick Leverton and Kieran Mullins.

Officers in attendance: Abby Fettes, Stephanie Eldridge and Amy Barnes

22. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 12 August 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

23. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

An apology for absence was received from Councillor Harry St John and the following resignations and temporary appointments were received and noted:-

Councillor Ben Woodruff was due to substitute for Councillor Harry St John but had to send his apologies.

24. DECLARATIONS OF INTEREST

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

25. APPLICATION NO. 19/00875/RES – LAND EAST OF MOUNT OWEN ROAD, BAMPTON

The Sub-Committee received the report of the Business Manager – Development Management which clarified the reasons for refusal with regard to the above application.

At the last meeting the Committee had considered the above application and resolved to refuse planning permission against officer recommendation. In so doing no specific planning policies were cited as to why the scheme should be refused but the draft minutes record that it was:

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

Subsequent to the resolution the applicants had been in contact with Officers raising a series of procedural issues, stating that they wished to appeal the decision and seek full costs against the Council for unreasonable behaviour. Officers had therefore given very serious consideration as to whether this application was one of the rare cases where the resolution of members should not be enacted but instead referred to DC committee for final determination.

The report therefore proposed that the Sub-Committee agree the reasons for refusal as being:-

“By reason of the layout, design, form, scale and site coverage, the loss of existing landscaping and the inability to provide sufficient ameliorative planting to mitigate the scale and impact of the proposed development, the scheme is considered to represent an overly intensive form of development that would adversely affect the character and appearance of the area and harm this attractive rural approach to the settlement contrary to policies OS2, OS4, EH2 and EH4 of the adopted WOLP and the provisions of the NPPF and West Oxfordshire Landscape Assessment.”

An alternative option was that Members could determine the application as they saw fit within the constraints of planning legislation. However, the report advised that should Members decide to include unsubstantiated refusal reasons, this could significantly increase the likelihood of losing any subsequent appeal and of costs being awarded for unreasonable behaviour.

The Business Manager – Development Management advised that the Drainage Engineer at the County Council had raised no objection and therefore any refusal reason relating to drainage would be unlikely to stand up to scrutiny.

Councillor Haine stated that he had listened carefully and had concluded that he was not satisfied with the reasons for refusal outlined in the report. He referred to the significant amount of correspondence received which he had found very helpful. He felt there were a few issues to work on and listed those factors which he had concluded were not relevant refusal reasons. These included the width of the highway and the access for refuse trucks which had both been agreed at the outline permission stage. He appreciated the applicant's agreement to using stone materials and he noted that the issues raised regarding the sewerage run off and landscaping could be dealt with by condition. He did however wonder if the applicant may be willing to limit the height of the block of flats to two storeys. He therefore suggested that the applicant consider the issues being raised and bring back a more agreeable application.

Councillor Fenton agreed with the comments made regarding the emergency access and he felt that the potential to negotiate access at the south of the site would improve the application significantly. It was suggested that determination of the application be deferred to allow the applicant to consider the comments raised and bring back a revised application.

Councillor Crossland agreed with the comments made by Councillor Haine and, in seconding his proposal, requested that additional landscaping be considered to mitigate the loss of the trees that had been removed for access.

Councillor Enright requested clarification on the proposal to defer determination of the application. Councillor Haine clarified that the proposal was to refuse the application due to the height of the flat block, the lack of landscaping and the over dominant form of the development. However, it was agreed that the applicant should be encouraged to submit a revised application, taking into account the refusal reasons stated. It was agreed that Councillor Haine would liaise with the Business Manager – Development Management regarding the specific wording of the refusal reasons.

Having been proposed by Councillor Haine and seconded by Councillor Crossland a recommendation of refusal was put to the vote and was carried for the following reason:

By reason of the height of the flat block and the lack of ameliorative landscaping generally the proposed development is considered to represent an overly dominant form of development that would adversely affect the character and appearance of the area and harm this attractive rural approach to the settlement contrary to policies OS2, OS4 EH2 and EH4 of the adopted WOLP and the provisions of the NPPF and West Oxfordshire landscape Assessment

NB. Members additionally advised that the failure to make provision for the potential for serving the site with an additional access was also of concern and that they hoped this matter could be addressed in any revised submission.

Refused.

26. 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:-

19/00875/RES, 19/01048/FUL, 19/01573/FUL, 19/01897/FUL, 19/02127/FUL

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

RESOLVED:

That the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below;

3 19/01048/FUL Londis Stores, 107 Hailey Road, Witney

The Principal Planner introduced the application. She highlighted the information contained in the additional representation report which had been produced since the agenda was published. This outlined additional information from the applicant's agent responding to issues raised and stated that OCC Highways had agreed the parking numbers. She advised that the report contained a recommendation of approval.

Mr Graham Soame, 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 a question from the Chairman, Mr Soame confirmed that the applicant would be willing to install Electric Vehicle Charging Points on the site, where appropriate.

Councillor Crossland felt that the change of use and parking provision was acceptable subject to conditions and reiterated that there was a need for one bedroom accommodation across the District.

Councillor Enright stated that, whilst he was sad to see the loss of a neighbourhood shop, he noted that there was a well established garage further up the road. He agreed that small scale accommodation was of high value and in huge demand.

Having been proposed by Councillor Enright and seconded by Councillor Leverton the Officer recommendation of approval was put to the vote and was carried, subject to the following additional condition and note:

A detailed specification of electric car charging points to all approved parking spaces shall be submitted to and approved in writing by the Local Planning Authority and the said agreed details shall be installed as per the approved details prior to the first occupation of the flats hereby approved and be retained in place thereafter.

REASON: To encourage sustainable travel modes of transport.

Additional Informative

Members suggested that the installation of solar panels on the roof should be considered.

Permitted

10 19/01573/FUL Duck End Cottage, Duck End Lane, Sutton

The Planning Officer introduced the application. She highlighted the information contained in the additional representation report which had been produced since the agenda was published. This detailed an additional letter of support which had been received from a local resident.

The Planning Officer advised that the report contained a recommendation of refusal.

Mrs Sue Kench, applicant, addressed the meeting in support of the application. A summary of her submission is attached as Appendix B to the original copy of these minutes.

Following a question from Councillor Leverton, Mrs Kench advised that they had converted the existing outside studio to a living space when they were renovating the cottage. However, she did not recall whether they had planning permission to do this at the time. She confirmed that at the present time, the dwelling did not have a proper kitchen or bathroom.

In response to the issue relating to policy compliance, the Planning Officer advised that Policy H2 related to new dwellings but was only relevant in exceptional circumstances. Having reviewed the evidence, officers did not consider that this application fitted the criteria. There was not an identified need, however, the design was acceptable and was unlikely to affect the

setting of the Listed Building. In addition, the Conservation Officer felt that formalising the car parking space would be contrary to Policy H2 and detrimental to the Conservation Area.

Councillor Good stated that the officers had done a good job at looking at policy but felt that, on occasion, it did not have to be rigidly fixed. He highlighted that there were no objections, the Parish Council had endorsed the application and there were seventeen letters of support. He referred to the applicant's character and standing in the community and felt that there were benefits to the application. He therefore proposed that the application should be granted. However, the proposition failed to attract a seconder.

Councillor Crossland stated that she found this application difficult and the committee was in danger of their "hearts ruling their heads". She felt that sometimes policy needed to be adhered to and the purpose was to protect the whole area. She therefore felt she needed to support the officers' recommendation.

Councillor Hilary Fenton suggested that Members may find it useful to undertake a site visit. Officers reminded the Committee that this would assist with the parking issue being raised but not necessarily with the policy constraints. Members felt that the parking was a relevant factor and that it may be useful to visit the site to understand the setting of the existing dwelling.

Having been proposed by Councillor Hilary Fenton and seconded by Councillor Good the recommendation of deferral to allow a site visit to take place was put to the vote and was carried.

Deferred.

17 19/01897/FUL Playing Field, Cedar Drive, Witney

The Planning Officer introduced the application and explained that there was a corporate interest because the applicant was West Oxfordshire District Council. She advised that the report contained a recommendation of approval.

Mr Ian Chatt addressed the meeting in objection to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

In response to a question from Councillor Enright, Mr Chatt advised that no impact assessment had been carried out and no expertise had been brought to the application.

Councillor Good asked Mr Chatt to clarify what harm he felt the installation would have. Mr Chatt was concerned that there could be an increase in anti-social behaviour. He confirmed that there was a history of this on the field and there was the potential for this to get worse if the floodlights were installed. In addition, he felt that the older residents would be adversely impacted.

Mr David Bates, 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 Bates confirmed that the lights would be turned off by 10pm each night and this would be monitored.

The Planner Officer then presented the report and outlined the policies relevant to the application. Officers felt that the visual impact, siting and design was acceptable, Environmental Health officers had been consulted and the Police had advised that adequate lighting could help to lower levels of Anti-Social Behaviour.

Councillor Good felt that this was an excellent report and he proposed approval as per the officer's recommendation. He reminded Members that the Planning process could help to build in safety measures and the Chief Constable was reviewing the contribution this could bring. Councillor Good agreed that it was important that communities provide young people with things to do.

Councillor Enright explained that he was not only the Ward Member, but a Member of the Town Council and had been involved with this community over the years. He queried the possibility of including more screening between the two play areas, along the field and between the neighbours and the height of the lighting columns. He also queried whether the noise issues had been examined, especially with regard to the skateboard area and he explained that the town council would like to look after the facility.

The Business Manager – Development Management advised that the height of the floodlights was eight metres, equivalent to standard street lighting. He also explained that screening could only be requested on the application site, however, the area being proposed by Councillor Enright fell outside of this.

Councillor Crossland seconded the proposal and in doing so agreed that facilities for younger residents were needed, the lighting would reduce the potential for dark corners and the play area was well away from buildings.

Having been proposed by Councillor Good and seconded by Councillor Crossland the Officer recommendation of approval was put to the vote and was carried unanimously.

Permitted

22 19/02127/FUL Kingsfield, Rock Close, Carterton

The Planning Officer introduced the application containing a recommendation of approval.

Councillor Haine queried the wording on page 25 of the report which referred to the rooflight in the bathroom which "shall be fixed shut (without any opening mechanism)". He felt that, particularly in a bathroom, this could lead to problems with steam and condensation. In response to his query, officers advised that the report could be amended to refer to the installation of a limited opener rather than a fixed one.

In response to a question from Councillor Crossland, officers confirmed that the height of the application was the same as a previous application at number 37. Councillor Crossland did not feel there were any planning reasons to object and, as this was not a separate dwelling and was no higher than the dwelling at number 37, she proposed the application as per the officer's recommendation.

This was seconded by Councillor Leverton who queried if it would be possible to add any resilience to the ancillary condition but he was advised that the Committee could only refuse on the merits at the time of consideration.

Having been proposed by Councillor Crossland and seconded by Councillor Leverton the Officer recommendation of approval was put to the vote and was carried unanimously.

Permitted

27. 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.

The meeting closed at 3.00 pm.

CHAIRMAN