

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the
UPLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00pm on Monday 5 December 2016

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman), A C Beaney, R J M Bishop, J C Cooper, C Cottrell-Dormer, T N Owen, Dr E M E Poskitt, A H K Postan. G Saul and T B Simcox

Officers in attendance: Phil Shaw, Abby Fettes, Kim Smith, Stephanie Eldridge, Joanna Lishman, and Paul Cracknell

41 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 7 November 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

42 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for Absence were received from N G Colston and the Head of Paid Service reported receipt of the following resignation and temporary appointment:-

Mr J C Cooper for Mr A M Graham

43 DECLARATIONS OF INTEREST

Mr T N Owen and Mr J Haine advised that they held disclosable interests in application No. 16/03659/S73 (Fardon House, Frog Lane, Milton under Wychwood) and indicated that they would withdraw from the meeting during consideration of the application.

44 CHAIRMAN'S ANNOUNCEMENTS

Mr Haine advised that Application Nos. 16/02515/FUL (Long Close, Oxford Road, Woodstock) and 16/03115/FUL (19 Market Place, Chipping Norton) had been withdrawn from the agenda at the request of the respective applicants.

45 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:

(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:-

16/03411/FUL; 16/02306/FUL; 16/02793/FUL and 16/03659/S73.

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

3 16/02306/FUL Land to the Rear of 15 & 16 Woodstock Road, Charlbury

The Planning Officer introduced the application and drew attention to the report of additional representations. She also advised that the Oxfordshire Playing Fields Association had submitted further observations which would be reported in detail as part of her presentation.

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

The applicant's agent, Ms Kerri Crutchfield, then 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.

In response to a question from Mr Beaney, Ms Crutchfield explained that the play area proposed as part of the current application represented an improvement upon the current position. Not only did it conform to the Fields in Trust guidance as to the level of provision appropriate to the new development proposed, the new play area would also be equipped by Cottsway whilst the existing area to the rear of Sturt Close lacked any such facilities.

In response to a further question from Mr Owen, Ms Crutchfield confirmed that she considered the provision of play equipment in the new location to be an improvement upon the current situation.

The Planning Officer then presented her report containing a recommendation of conditional approval and made reference to the letter sent to Members by the Oxfordshire Playing Fields Association.

Mr Cotterill enquired whether the 1955 planning consent referred to by Mr Bennett had conferred any recognised status in planning terms. In response, the Planning officer advised that, whilst the land in question had been shown as a play area, the planning permission did not require it to be retained as such in perpetuity. The Development Manager advised that the play equipment had been removed from the site some 10 years ago. In planning terms, Officers considered the land to be a former play area.

Whilst recognising the concerns expressed, Mr Cotterill considered the need for affordable housing to outweigh the loss of the former play area and proposed the Officer recommendation of conditional approval.

The proposition was seconded by Mr Owen.

Mr Beaney returned to the question of the status of the land and suggested that the provision of 13 units as proposed would have a minimal impact upon the Council's five year housing land supply. In response, the Planning Officer reiterated that the new play area conformed with the relevant guidance and emphasised that the loss of the existing area had to be balanced against the provision of affordable housing. She also drew attention to the suggestion that the developers could be required to provide a larger play area as part of the new development or to make a financial contribution towards alternative provision elsewhere.

In terms of the land use, the Development Manager confirmed that, although the land had been shown as a play area, in the absence of conditions requiring its retention as such, the removal of the play equipment did not constitute a breach of planning control.

Mr Cooper indicated that this was a difficult application and enquired whether any response had been received from the Crime Prevention Design Advisor.

Mr Cottrell Dormer and Mr Postan indicated that they did not consider the size of the new play area to be adequate to serve both new and existing dwellings and Mr Postan suggested that the density of development should be reduced to enable a larger play area to be provided.

Mr Bishop agreed that the new play area was too small and that the alternative facilities were too far away. Mr Beaney indicated that, regardless of its current status, the land to the rear of Sturt Close had been a play area and suggested that consideration of the application should be deferred for further negotiation with the applicants. The Planning Officer confirmed that deferral was an option and, in response to a further question from Mr Postan, advised that, at 100 square meters, the new play area was considered sufficient to meet the needs of the new development only and not those of the existing dwellings.

In response to a question from Mr Simcox, she confirmed that the landowners could restrict public access to the former play area should they so wish.

Mr Saul expressed his support for the Officer recommendation, questioning whether it would be appropriate to increase the size of the proposed new play area or to seek a financial contribution towards alternative provision elsewhere.

Mr Cotterill suggested that the only possible grounds for refusal would be under paragraph 74 of the NPPF in respect of the loss of existing open space.

Mr Cottrell-Dormer indicated that, in the absence of an alternative site, a financial contribution from the applicants was not relevant and, as the application was in accord with the relevant guidance, considered that it should be approved.

The Planning Officer confirmed that there was no land available upon which alternative provision could be made available and, in response to the suggestion that the new play area could be increased in size, advised that such facilities were often unpopular with local residents.

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

Permitted subject to the applicants entering into a legal agreement to secure the affordable housing in perpetuity.

18 16/02515/FUL Long Close, Oxford Road, Woodstock

The Sub-Committee noted that this application had been withdrawn at the request of the applicants.

30 16/02793/FUL 18 Maple Way, Ascott under Wychwood

The Planning Officer introduced the application.

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

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

Mr Simcox indicated that he considered the proposed development would result in a significant loss of amenity for the residents of 16 and 18 Maple Way and proposed that the application be refused as contrary to Policies BE2(a), BE2(c), H2(a) and H2(d) of the West Oxfordshire Local Plan, Paragraphs 9.4, 17.4 and 64 of the National Planning Policy Framework and Policies OS2 and OS4.

In seconding the proposition Mr Owen acknowledged the need for affordable housing but considered elements of the current application to be over-bearing. He expressed the hope that the applicants would submit revised proposals.

Mr Cottrell Dormer concurred, suggesting that the block of four houses should be relocated elsewhere on the site. Mr Cooper agreed, indicating that the site visit had been helpful in forming his opinion that this aspect of the development would be over-dominant.

Mr Postan expressed concern at the loss of parking provision, suggesting that poor occupancy levels could be a reflection of inadequate maintenance of the existing garages.

Mr Bishop expressed his support for the proposition, indicating that the re-orientation of the block of houses as suggested by local residents appeared to be an appropriate solution.

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

Refused for the following reason, the applicants being advised that, in refusing consent, Members indicated that the principle of development on the site was likely to be acceptable but that the scheme needed to be designed with significantly less neighbour impact in order for it to be acceptable

- I. The proposal, by reason of its scale proximity and location is considered to be unduly and unacceptably overbearing on the gardens of 18 and 16 Maple Way and this harm will be exacerbated by the perceived overlooking from rear windows 6m from the boundary with no. 18 Maple Way. As such the proposal is detrimental to the residential amenities of existing and future occupiers. The proposal is therefore contrary to policies BE2 and H2 of the Adopted Local Plan, OS2 & OS4 of the Emerging Local Plan and paragraphs 9.4, 17.4 & 64 of the NPPF 2012 and the harms are deemed significant and demonstrable enough to justify refusal notwithstanding the provisions of paragraphs 49 and 14 of the NPPF.

46 16/03115/FUL 19 Market Place, Chipping Norton

The Sub-Committee noted that this application had been withdrawn at the request of the applicants.

57 16/03411/FUL Alfred Groves and Sons Ltd, Groves Business Centre, Shipton Road, Milton under Wychwood

The Chairman of the Committee proposed that consideration of the application be deferred to enable a site visit to be held. The proposition was seconded by Dr Poskitt and on being put to the vote was carried.

Deferred to enable a site visit to be held.

69 16/03659/FUL Fardon House, Frog Lane, Milton under Wychwood

Mr Haine and Mr Owen left the meeting during consideration of the following application. The Vice-Chairman, Mr Cotterill, took the Chair.

The Planning Officer introduced the application.

The applicant's agent, Ms Helen Seymour-Smith addressed the meeting in support of the application. A summary of her submission is attached as Appendix D to the original copy of these minutes.

The planning Officer then presented her report containing a recommendation of conditional approval.

In response to a question from Mr Cotterill, she confirmed that, as proposed, condition 2 would require the retention of the existing boundary hedge.

The Officer recommendation of conditional approval was proposed by Mr Beaney and seconded by Mr Postan and on being put to the vote was carried.

Permitted

46 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISION

The report giving details of applications determined under delegated powers together with an appeal decision was received and noted.

47 PLANNING APPEALS PERFORMANCE AND LESSONS FROM 2016

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing which outlined the Council's performance in defending planning decisions at appeal and drew lessons from the appeal decisions determined from 1 January 2016.

Mr Cottrell-Dormer indicated that Officers always did their utmost to defend appeals and questioned whether the Council was able to secure adequate legal representation given the greater level of financial resources available to developers. In response, the Development Manager advised that Officers were generally satisfied with the legal support that they received and explained that the dip in performance was largely due to the change in the Council's position in respect of its five year housing supply between the time that decisions were initially taken and that when the appeals were finally heard bringing the 'tilted balance' in favour of sustainable development into play.

Mr Cotterill noted that developers continued to 'land bank' securing planning consents but failing to build out approved sites. The Development Manager acknowledged that the Council was faced with a need to increase the land supply and West Oxfordshire would have to approve some 1,000 a year. However, this was only one side of the argument. In response to a further question, the Development Manager advised that the Council monitored sale prices to inform future viability assessments and completions through the monitoring report.

Mr Beaney questioned the extent of the Council's liability in terms of costs. The Development Manager advised that a partial award of costs had been made against the Council in one instance and, whilst a claim had yet to be received, it was thought that this would be limited as the award only related to a single aspect of one reason for refusal.

Mr Cooper returned to the question of 'land banking' and, in particular, the difficulties that arose when developers delayed the completion of legal agreements. He advised that there were some 2,000 outstanding permissions in South Gloucestershire and suggested that this situation required Government intervention. He noted that councils had previously been able to count approved applications towards their land supply figures for a three year period from the date of approval and proposed that the Council write to the Secretary of State and the Local Member of Parliament to register its concern and request that authorities be permitted to revert back to that position.

The Development Manager advised that the Secretary of State had recently spoken about reducing the 'permission gap' by taxing unimplemented planning permissions forcing approved sites out of the hands of the major developers into those of local builders.

RESOLVED: That the Secretary of State for Communities and Local Government and the Local Member of Parliament be advised of the Council's concerns with regard to unimplemented planning permissions and requested to consider the introduction of measures to address them.

48 PROGRESS ON ENFORCEMENT CASES

Consideration was given to the report of the Head of Planning and Strategic Housing informing the Sub-Committee of the current situation and progress in respect of enforcement investigations.

RESOLVED: That the progress and nature of the outstanding enforcement investigations detailed in Sections A-C of the report be noted.

The meeting closed at 3:35pm.

CHAIRMAN