

Minutes of a meeting of the Planning Committee



held on Wednesday, 1 March 2017
at 6.30 pm
in the The Ridgeway, The Beacon,
Portway, Wantage, OX12 9BY

Open to the public, including the press

Present:

Members: Councillors Sandy Lovatt (Chairman), Janet Shelley (Vice-Chairman), Yvonne Constance (In place of Chris Palmer), Stuart Davenport, Jenny Hannaby, Anthony Hayward, Bob Johnston, Monica Lovatt, Ben Mabbett, Chris McCarthy and Catherine Webber

Officers: Ben Coleman, Martin Deans, Emily Hamerton, Susan Harbour, Charles Packham, Ian Price, Penny Silverwood and Hanna Zembrzycka-Kisiel

Also present: Councillor Eric Batts and Councillor Gervase Duffield
Ian Marshall and Jason Sherwood from Oxfordshire county Council Highways Department
David Baldwin - Drainage Officer, Monson Engineering Ltd

Number of members of the public: 85

PI.180 Notification of substitutes and apologies for absence

Councillor Chris Palmer tendered his apologies to the meeting and Councillor Yvonne Constance attended as his substitute.

PI.181 Minutes

The minutes of the meeting held on 1 February 2017 were agreed by the committee and signed by the chairman as an accurate record of the meeting.

PI.182 Declarations of pecuniary interests and other declarations

There were no declarations of disclosable pecuniary interest.

PI.183 Chairman's announcements

The Chairman welcomed the public and members of the committee to the meeting.

The chairman gave information on the new constitution and on the changes for planning committee, including the guillotine arrangements, which are as follows:

No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

The new constitution meant that cabinet members could no longer sit on planning committee. Therefore councillor Eric Batts was no longer on the committee and had been replaced by Councillor Chris Palmer.

PI.184 Urgent business

There were no items of urgent business.

PI.185 Statements and petitions from the public on planning applications

The registered speakers list was tabled at the meeting and each speaker would be heard with the relevant agenda item.

PI.186 P15/V2353/O Land off Hobbyhorse Lane, Sutton Courtenay, Abingdon

In addition to the planning officers, the following were in attendance at the meeting to respond to technical questions on the application:

Ian Marshall and Jason Sherwood from Oxfordshire County Council Highways Department

Charles Packham – Environment Officer

Ben Coleman - Environmental Protection Team Leader

David Baldwin - Drainage Officer, Monson Engineering Ltd

The officer presented the report and addendum on application P15/V2353/O for outline planning permission for up to 200 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works. Including additional documentation submitted 31 January 2017. She confirmed that the Sutton Courtenay Neighbourhood Plan is in draft form and does not carry any weight at this stage.

Councillors David Hignell and Karl Gebhart from Sutton Courtenay Parish council spoke in objection to the application, they raised the following concerns:

- Highways issues;
- Application site too close to the landfill site;
- The protesters have commissioned their own hydrology expert who has produced a report showing, in his opinion, the lack of suitability of the site;
- Impact on Frilsham Street, making access and egress to some of the driveways very difficult;
- A difficult pinchpoint on Hobbyhorse Lane;

- Impact on Village Hall users, cyclists, pedestrians and equestrians; and
- Parish council and village hall have not been notified of changes to the footpath which runs across their land.

The committee asked questions of clarification of the speakers.

Anne Morgan Smith spoke on behalf of herself, Rita Twiston Davies and Rita Atkinson (trustee of Sutton Courtenay Village Hall) and Stuart Findlay also spoke in objection to the application. They raised the following concerns:

- Industrial waste water and chemical waste very close to the site;
- Ground water levels very high on the site;
- Drainage issues: flawed drainage scheme;
- Flies dust and rats may be on the site;
- Potential negative impact on local amenities; and
- Undeliverability: the ownership of the by-way from where it ceases to be a public highway. The applicant needs the consent from the landowners and this has not been demonstrated.

The committee asked questions of clarification of the speakers.

The chairman reminded the committee that this application was for outline planning permission and access details only.

David Bainbridge, the agent for the application, Matt Russell and Alan Brackley (on behalf of the developer) spoke in favour of the application:

- The developer has worked with the council and other organisations/ stakeholders over two years and the technical consultees do not have any outstanding objections to this application; and
- Works will be subject to conditions and technical considerations.

The committee asked questions to the speakers:

- An explanation was requested as to why the developer's opinion on drainage issues was at odds with the opinion of Doctor Rodders, the drainage expert commissioned by the objectors. In response, the developers stated that their methodology was different and that they had used more bore holes. They had undertaken their monitoring in March 2016, but they took into account the worst case scenario: February 2014, and their drainage system would work with February 2014 figures.
- The issues with the ownership of the access ground in front of the village hall: the developers stated that the correct notification was served in September 2015, no objections were received.

Councillor Gervase Duffield, the ward member spoke in objection to the application.

- He raised concerns about the safety of the site and the potential contamination from the proximity to the landfill site.
- The drainage officer's report was full of caveats and concerns.
- The ward member showed several videos and photos of the site and adjacent land being flooded and methane gas escaping.

Members of the committee asked questions of the ward member. His responses were:

- The entire FCC Environment site had been subject to flooding on several occasions;
- Since the planning inspector made his original decision in favour of the site, more evidence had subsequently emerged.

The committee asked questions to the officers:

- In regard to the Local Plan Part 1 where the planning inspector had said that this was a suitable site: paragraphs 5.6 and following of the officer's report cover this issue. The inspector agreed to the principle of developing the site, but subject to overcoming the outstanding concerns. These concerns had to be drilled into in more detail in this particular application and would be raised at the reserved matters stage;
- The principle of housing on the site is supported by the Local Plan as an allocated site and therefore weight has to be given to it. The committee needed to consider whether it finds this particular application acceptable;
- Charles Packham, the environment officer, confirmed that methane could travel through groundwater but that it would not be an issue for this site because groundwater migrates away from the site;
- David Baldwin, the Monson drainage engineer, confirmed that as a result of the discussions with the experts, the drainage scheme was improved, particularly as more of the site would now be available for attenuation and less for housing if it were necessary;
- Conditions 6 and 7 would have to be fulfilled if the application were to come back under reserved matters. David Baldwin considered that the conditions were comprehensive and would be adequate to satisfy outstanding concerns;
- The highways engineers from Oxfordshire County Council considered that the road pinch-point would serve as a traffic calming measure;
- The proposed drainage system is based on a one metre separation buffer between base and groundwater levels to prevent pollution, but the one metre is not guaranteed. There is no separation in the worst case. In that instance there would need to be pollution prevention measures taken outside of the attenuation basin through an interceptor;
- The access road would be 4.1 metres across;
- The neighbourhood plan for Sutton Courtenay had not yet been submitted and so cannot be afforded significant weight;
- There are wider traffic issues within Sutton Courtenay than just this pinch-point. The officers from Oxfordshire County Council acknowledged significant problems at the river crossing on the Abingdon Road and that there would be benefit to wider studies; and
- It may be necessary to design a more detailed drainage system to cope with times of high water, where the ground water is high.

The Development Manager recommended that the committee defer consideration of the application for further investigations on highways and drainage.

The committee proposed and seconded a motion to refuse the application on grounds of:

- Highways issues;
- Inadequate drainage;
- Inadequate access arrangements;
- Odour on the site;
- Potential risks to health, especially pregnant women and young children.

A motion, moved and seconded to refuse the application, was declared carried on being put to the vote.

RESOLVED

To refuse the planning application.

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The Development Manager invoked a “cooling off period”, in accordance with the Council’s published constitution, which states the following:

The Head of Planning (or her/his nominee may) invoke in the following circumstances a ‘cooling off period’ following a decision taken by the planning committee: where the committee refuses an application on grounds that the head of planning / or an officer authorised by him/her considers it puts the council at significant risk of having a cost award made against it in the event of an appeal being lodged.

If the Cabinet member for planning confirms this decision on the second working day after the date on which the decision was taken, then no decision notice will be issued but a further report will be brought to the committee at the first opportunity setting out the relevant issues and inviting it to reconsider the matter.

PI.187 P16/V2433/FUL - 1 Larch Close, Southmoor, Abingdon

Emma Turner, planning enforcement team leader, and Ian Price, senior litigation and planning lawyer, were present for this item to answer questions from the committee.

The officer introduced the report on a retrospective application P16/V2433/FUL for the erection of a new two-bedroom dwelling adjoining 1 Larch Close at 1 Larch Close, Southmoor, Abingdon.

Consultations, presentations, policy and guidance and the site’s planning history were detailed in the officer’s report, supplementary guidance and addendum report which formed part of the agenda pack for this meeting.

Ian Price gave guidance to the committee on making a decision based on substantive planning issues and substantive merits.

Brian Foster representative of the parish council spoke in objection to the application:

- He believed that there had been a deliberate attempt by the applicant to create a separate dwelling;
- He did not consider that sufficient enforcement had been carried out by Vale to stop development of this building.

Ian Jones, on behalf of Southmoor residents spoke in objection to the application:

- He believed that the applicant had practiced deception in connection with this application.

The committee asked questions to the objector.

- The objector believed that this application is being investigated by the police for fraud.

Gareth Bertram, agent for the applicant spoke in favour of this application:

- He believes that in order for his company to remain viable, it is important for him to retain options in relation to development.

The committee asked questions to the agent.

Councillor Eric Batts spoke as the ward member for this application

- All of the properties in this close are semi-detached and this has now created an out of character terracing effect;
- The application was not submitted for what the intention was;

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PI.5

- Amenity space is not satisfactory and there is no third bedroom.

The committee asked questions for the officers

Paragraphs 5.6 to 5.9 cover the internal conversion of the property.

An additional condition was requested to restrict Permitted Development Rights on turning these properties into a House in Multiple Occupation.

Parking and impact on neighbours are all adequate;
Drainage issues are being supervised by building control officers.

A motion, moved and seconded, to approve the application with additional conditions, was declared carried on being put to the vote.

RESOLVED

To grant planning permission subject to conditions as follows:

1. Approved plans;
2. Matching materials;
3. Access in accordance with plan;
4. Car parking in accordance with plan;
5. No drainage to the highway;
6. Restriction of permitted development rights for extensions and outbuildings for both properties;
7. Restriction of permitted development rights for walls and fences from both properties;
8. Landscaping scheme to be submitted;
9. Landscaping scheme to be implemented;
10. Boundary details to be submitted;
11. Surface water and foul drainage details to be submitted;
12. Removal of permitted development rights for Houses in Multiple Occupation from both properties.

PI.188 Eastwest, All Saints Lane, Sutton Courtenay, Abingdon

This is a part retrospective application for the retention and construction of earth bunds and the change of use of land to private recreational use at Eastwest, All Saints Lane, Sutton Courtenay, Abingdon. Application P16/V0254 FUL.

The committee were in the guillotine extension period at the start of this application and there was not time to consider it. It has, therefore been **deferred**.

The meeting closed at 9.10 pm