

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 2.00pm on Monday 10 February 2020

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Joy Aitman, Maxine Crossland, Harry Eaglestone, Hilary Fenton, Jeff Haine, Nick Leverton, Kieran Mullins, Carl Rylett, Harry St John and Alex Postan.

Officers in attendance: Miranda Clark, Joan Desmond, Claire Green, Esther Hill and Amy Barnes.

48. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 13 January 2020, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman subject to the following amendments:

Minute Number 45 – Councillor Fenton declared an interest in 19/02371/FUL Lavender Place, Queen Street, Bampton and not Land East of Mount Owen Road as detailed; and

Minute Number 46 - be amended to read ... 'This was seconded by Councillor Hilary Fenton.....' for the avoidance of doubt.

49. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Councillor Postan substituted for Councillor Good.

50. DECLARATIONS OF INTEREST

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

51. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Business Manager – Development Management, giving details of an application for development, copies of which had been circulated.

RESOLVED: That the decision on the following application be as indicated, the reasons for refusal to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

19 19/02616/FUL Manor Dairy Farm, Shilton

The Chairman advised that officers had requested this application be deferred to allow further investigations to take place from Environmental Health.

Deferred

3 19/02516/FUL Twelve Acre Farm, Chillbridge Road, Eynsham

The Planning Officer, Mrs Desmond introduced the application and advised that the report contained a recommendation of provisional approval. She directed Members to the information contained in the Additional Representations report which included comments from the Biodiversity Officer, South Leigh Parish Council and Eynsham Parish Council. The update report also provided additional comments from the applicant and officers along with the suggested conditions that could be applied to any permission granted.

Nicky Brooks, Chairman of South Leigh Parish Council, addressed the meeting regarding the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

Following a question from Councillor Enright, Mrs Brooks confirmed that the land located at the top of the site was visible to residents of South Leigh and questions had been raised about how it would look if the solar panels were moved down. She felt that the development would affect the rural setting.

Mr Gordon Beach addressed the meeting on behalf of Eynsham Parish Council. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Councillor Enright queried what measures the parish council would like to see regarding construction traffic. Mr Beach felt that restricting traffic to a 'left turn only' out of the site would help but was not convinced that it could be enforced. He stated that the A40 already suffered from a number of accidents and this site could exacerbate that.

Councillor Levy addressed the meeting as the Ward Member for the development, in objection to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Mr James Hartley-Bond addressed the meeting on behalf of the applicant and 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 Mullins, officers confirmed that the construction access would be in use for 16 weeks and, after that, would revert back to agricultural form. Post construction, the site would be accessed from Chilbridge Lane.

The Planning Officer then presented her report, outlined the associated infrastructure and highlighted the recent amendments to the scheme

including the extension of hedgerows and the removal of panels from the highest point of the site. She reminded Members that the development would make a significant contribution to meeting the District's low carbon targets and officers felt some of the visual impact could be mitigated with additional planting.

Councillor Rylett advised that he had visited the site at the weekend and the area was popular with walkers and cyclists. He reminded Members that Eynsham was due to expand and had already had to put up with a lot of development around it. He felt that both parish councils had instinctively wanted to support the application but a number of significant concerns had been raised. He felt that the application had undergone a number of changes in the last week and further clarity was needed on the Biodiversity Management Plan. This, combined with the concerns raised regarding the access onto the A40 and the need to understand what recompense the parishes could expect, he felt that the application should be deferred to allow a site visit to take place.

Councillor Rylett proposed that the application be deferred to allow a site visit to take place, for clarification of the Biodiversity Officer's report and the enforcement of the construction access.

This was seconded by Councillor Postan who felt that it was too soon to make a decision on the application. He raised concerns about the views of the panels from the side and rear and felt that work on the Garden Village should integrate with this.

Councillor Crossland received clarification on the public right of way across the site. She felt that the visual impact would be softened by additional planting and did not feel the views of similar, existing sites were intrusive. She felt the District would gain from granting the application and supported officer's recommendation.

Councillor Leverton agreed and received confirmation that the path was five metres in width and would have five metres of planting either side which would bring ecological benefits.

Following comments made regarding any financial contributions toward parishes, officers reminded Members that the application had to be considered on its own merits and it was for the developer to discuss those issues with the community.

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

Deferred

35 19/03242/HHD Ivydene, Delly End, Hailey

The Planning Officer, Ms Hill introduced the application and advised that report contained a recommendation of approval.

This application was taken in conjunction with 19/03243/LBC, detailed below, which dealt with the listed building consent.

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

Following a question from Councillor Mullins, Mr Smith confirmed that there was no particular preference on the two designs but the Listed Building officer had previously felt that the original parapet had been too bulky.

Following a question from Councillor Leverton, Mr Smith advised that there would be no impact on the original building, it was only the 20th century extension that was being amended.

Ms Hill confirmed that the planning officer was content with the applications and recommended approval.

Councillor Haine felt that the officer direction was correct in this regard and proposed that the application be granted. This was seconded by Councillor Enright.

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

Approved

39 19/03243/LBC Ivydene, Delly End, Hailey

The Planning Officer, Ms Hill introduced the application and advised that report contained a recommendation of approval.

This application was taken in conjunction with 19/03242/HHD, detailed above, which dealt with the householder development approval. The discussions were as minuted above.

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

Councillor Haine felt that the officer direction was correct in this regard and proposed that the application be granted. This was seconded by Councillor Enright.

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

Approved

44 19/03376/FUL Land adjacent to Westfield House, Bampton Road, Aston

The Planning Officer, Miss Clark introduced the application and advised that the report contained a recommendation of approval. She highlighted the objection from Aston Parish Council.

Mr Stephen Broadley addressed the meeting on behalf of the applicant. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The Planning Officer then presented her report and advised that officers felt there was less harm created by the properties being set back. Permission would be subject to the removal of permitted development rights and the addition of appropriate conditions.

Councillor Postan proposed that the application be granted as per officers recommendations and queried if the materials and fittings could be matched to the nearby listed building. Officers confirmed that the materials would be natural stone and Condition 3 could be amended to confirm this. The proposal was seconded by Councillor Enright who felt that the development formed a logical compliment to the existing buildings.

Following a question from Councillor Leverton, officers confirmed that there would be a shared access with the properties at the rear.

The Officer recommendation of approval was then put to the vote and was carried subject to an amendment to Condition 3 to read:

“The external walls shall be constructed of natural stone...”

Approved

31 19/02624/FUL 43 Valence Crescent, Witney

The Planning Officer, Mrs Claire Green introduced the retrospective application and advised that the fence had been in situ for four years. The land in question was former amenity land and officers did not feel there was any harmful affect.

Councillor Eaglestone proposed that the application be granted as per officers' recommendations.

Councillor Leverton highlighted that this was a retrospective application and queried if the application could set a precedent. Whilst he would have preferred the applicant had not taken the land he did feel that the application was appropriate. He therefore seconded the proposal.

Mrs Green advised that as the fence had been in place for over four years, it was deemed to have consent and the Council had no jurisdiction over it. The land could now be classed as amenity space for the applicant.

Councillor Postan felt it was a matter of principle and suggested that the applicant could have used soft landscaping measures.

Councillor Crossland received advice on when a building or structure was deemed to have consent and she stated that she was not comfortable with this application as the fence looked out of place.

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

Approved

52. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined under delegated powers and appeal decisions, was received and noted.

53. 4 CHIMNEY FARM COTTAGES, CHIMNEY, BAMPTON

The Sub-Committee received the report of the Head of Planning and Strategic Housing which requested that Members consider whether it was expedient to authorise the issue of an enforcement notice.

The enforcement officer, Ms Murray outlined the report and provided an overview of the location and history of development on the site.

Officers had received complaints in May 2019 stating that the property could be being used for business purposes and neighbours had reported a high level of storage of building materials and movements of commercial vehicles. In addition, a building was being constructed in the garden. Following a site visit, officers noted a number of planning breaches and these were detailed in 3.2 of the report.

Following monitoring of the site officers remain in the view that they type and level of activities carried on at the site over a period of months constituted an unlawful material change of use. As a consequence, an enforcement notice was served on 29 October 2019 and subsequently appealed.

Following further visits in early January 2020, officers took the opportunity to re-assess planning breaches relating to the unauthorised building and a new means of access which had been formed leading onto the unmade track running between 4 Chimney Farm Cottages and Chimney Farmhouse.

The report advised that officers now felt it necessary to issue an enforcement notice to remedy the harm caused to the setting of the listed building and to the character of the hamlet and the local landscape. This would require the owner to remove the outbuilding, re-plant the boundary to the garden and remove the hard core area, reinstating it to lawn or to garden beds for planting.

Councillor Hillary Fenton thanked officers for the report and highlighted that the site in question had been a problem for over ten years.

Following a question from Councillor St John, officers clarified the site layout and directed Members to how the garden was originally intended.

Councillor Leverton supported the officers' recommendation and proposed that an enforcement notice be issued. This was seconded by Councillor St John.

The Officer recommendation to authorise the issue of an enforcement notice was agreed, and the Sub-Committee:

RESOLVED: That an enforcement notice be issued, to require removal of an incomplete building within the curtilage of 4 Chimney Farm Cottages, Chimney and the reinstatement of the access that had been made onto the adjoining unmade road and the removal of the associated hardstanding.

54. 106 RALEGH CRESCENT, WITNEY

The Sub-Committee received the report of Head of Planning and Strategic Housing which requested that Members consider whether it was expedient to authorise the issue of an enforcement notice.

The enforcement officer, Ms Murray outlined the report and requested that enforcement action be authorised to remove the fence and reinstate the land to its original state.

The site was located within an estate forming part of the wider Deerpark development off the Curbridge Road. In May 2018, officers received complaints that a boundary fence had been erected on land designated as amenity land. When the estate was built, permitted development rights for the erection of fences were removed.

The owner was advised of the breach of planning control but was reluctant to remove the fence. A retrospective application for the retention of the fence and for a change of use of the amenity land to domestic garden was received and subsequently refused on 13 March 2019. The refusal reasons were outlined in section 3.4 of the report.

An appeal was lodged in May 2019 and dismissed on 10 October 2019. A copy of the appeal decision was attached to the report.

Despite further attempts to discuss a way forward with the owner, officers now felt it was necessary to serve an enforcement notice.

Councillor Eaglestone proposed that enforcement action be authorised as per officers' recommendation and this was seconded by Councillor Crossland.

Members discussed a number of options including additional planting and alternative boundary treatments but noted that the owner had not been amenable to the suggestions. Members also noted that house buyers would be made aware of any restrictions relating to their property or land at the time of purchase.

The Officer recommendation to authorise the issue of an enforcement notice was agreed, and the Sub-Committee:

RESOLVED: That an enforcement notice be issued, to require the removal of the unauthorised fence at 106 Raleigh Crescent, Witney and the reinstatement of land within the contravener's ownership appropriated as garden but designated under the enabling consent as landscaped amenity area.

The meeting closed at 4.09 pm.

CHAIRMAN