

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 21 May 2018

PRESENT

Councillors: E J Fenton (Chairman), D S T Enright, (Vice-Chairman), Mrs M J Crossland, H B Eaglestone, Mrs E H N Fenton, S J Good J Haine, P J Handley, P D Kelland, R A Langridge, N P Leverton, C M Rylett and B J Woodruff

Also in attendance: Mrs J C Baker

Officers in attendance: Phil Shaw, Miranda Clark, Stuart McIver and Paul Cracknell

4. CHAIRMANS ANNOUNCEMENTS

Mr Fenton expressed his thanks to the outgoing Chairman, Mrs Maxine Crossland, for her hard work on behalf of the Sub-Committee and welcomed both those recently elected Councillors and those newly appointed to the Sub-Committee.

5. MINUTES

**RESOLVED:** that the Minutes of the meetings of the Sub-Committee held on 16 April and 16 May 2018, copies of which had been circulated, be confirmed as correct records and signed by the Chairman.

6. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr D S T Enright for his late arrival at the meeting.

7. DECLARATIONS OF INTEREST

Members disclosed a corporate interest in application Nos. 18/00254/FUL (Carterton Leisure Centre, Broadshires Way, Carterton) and 18/00897/FUL (Windrush Leisure Centre, Witan Way, Witney) which had been submitted jointly on behalf of the Council and its leisure services provider, Greenwich Leisure Limited.

Whilst not a disclosable interests, Mr Handley noted that application No. 18/00254/FUL was within his District ward and County Division, Mr Fenton advised that one of the objectors to application No. 18/00446/FUL (Land South of Elmside, Greenacres Lane, Aston) was known to him and Mrs Fenton advised that they had previously occupied a neighbouring property. Mr Woodruff advised that the applicant was known to him.

8. 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.

(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:-

18/00446/FUL, 18/00254/FUL, 18/00949/FUL, 18/00694/FUL, 18/00901/HHD and 18/00897/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 Head of Planning and Strategic Housing, subject to any amendments as detailed below:-

3 18/00254/FUL Carterton Leisure Centre, Broadshires Way, Carterton

The Development Manager presented his report containing a recommendation of conditional approval. He advised that, in response to the County Council's request for a financial contribution towards public transport infrastructure, the applicant's agents had advised that only 1% of current customers arrived at the leisure centre by bus. This equated to some 168 visits a week and the applicant's agents had questioned whether this was sufficient to warrant the £45,000 contribution requested by the County Council. The Development Manager sought authority to liaise with the County Council to seek to negotiate a more appropriate level of contribution.

In addition, in response to the comments of the Council's Conservation Architect, the applicant's agents had indicated that they could not support the provision of additional fenestration as a variation in internal lighting levels could have an adverse impact upon the functionality of the building. However, they agreed to work with Officers regarding the use of suitable signage to break up the façade of the building.

The Development Manager recommended that the application be approved subject to conditions based upon those outlined in the report and to Officers being authorised to liaise with the County Council to seek to secure a more appropriate level of financial contribution towards public transport infrastructure.

Mrs Crossland was overjoyed to see this project progress and noted that the new facility would be welcomed not only by the residents of Carterton but by those living in the surrounding villages. This was a much needed addition to the existing facilities and Mrs Crossland was delighted to see the scheme that had been devised following extensive public consultation coming to fruition.

In proposing the Officer recommendation, Mrs Crossland agreed with the suggestion that Officers should seek to secure a more appropriate level of financial contribution towards public transport infrastructure. With regard to the design of the building, Mrs Crossland noted that there were a number of other large, modern buildings in the immediate vicinity but stressed that their design and construction gave them a stylish appearance. The use of graduated strips of colour helped such large buildings blend in with their surroundings and Mrs Crossland expressed the hope that the new building would complement the existing structures. She concluded by requesting that any signage used would not be garish in colour.

In seconding the proposition, Mr Leverton noted that the proposed trampoline park was expected to be popular and a source of income generation. He indicated that residents would be likely to travel from other parts of the District and suggested that Officers ought not to seek to reduce the contribution towards public transport infrastructure too severely. The Development Manager acknowledged that the new facility would result in some additional use of public transport but did not expect it to give rise to a modal switch.

Mr Handley expressed his support for the application which represented the culmination of a lot of hard work. Whilst he harboured some personal doubts over the construction of a trampoline park, he recognised that this was likely to become a well-used facility.

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

Permitted subject to conditions based upon those outlined in the report and to Officers being authorised to liaise with the County Council to seek to secure a more appropriate level of financial contribution towards public transport infrastructure.

10 18/00446/FUL Land South of Elmside, Greenacres Lane, Aston

The Development Manager introduced the application.

Mr Francis McKee 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, Mr Mike Gilbert and the Applicant Mrs Cole, then addressed the meeting in support of the application. A summary of their submission is attached as Appendix B to the original copy of these minutes.

In response to comments made during the presentations, the Development Manager advised that, whilst the condition restricting hours of work during construction suggested by Mr McKee could be incorporated, it would be inappropriate to require an evergreen hedge to be planted along the boundary as this would of itself present an urbanising feature in the open countryside.

In response to Mr Gilbert's suggestion that the site could be regarded as infill, the Development Manager advised that Officers did not consider it as such.

The Development Manager then presented his report containing a recommendation of refusal.

In response to a question from Mrs Crossland, the Development Manager outlined the applications recently approved in the vicinity.

Whilst sympathising with Mrs Coles' position and recognising that it would be helpful to have the support of her family nearby, Mrs Crossland reminded Members of a recent application in Carterton where the needs of the applicant were not considered to outweigh the harm resulting from development.

In this instance, Mrs Crossland suggested that the Sub-Committee should take the same view as the impact of the development was not outweighed by the applicant's personal circumstances. She considered the proposed dwelling was in the wrong place and did not constitute infilling. This was a new dwelling in the open countryside, located within a Conservation Area and Mrs Crossland expressed her support for the recommended reasons for refusal.

Mr Handley indicated that there was already a degree of urbanisation of the site with a degree of use as domestic garden area. He did not consider the site to be within the open countryside and expressed his disappointment that the Sub-Committee could not support the provision of a home for a local family. Mr Handley expressed concern that, once the Local Plan was in place, only large scale development on designated sites would be permitted, indicating that he could see no harm in the current proposal.

Mr Haine disagreed with Mr Handley, indicating that he considered the Officer recommendation of refusal to be correct. The site lay within a Conservation Area which the Council was under a statutory duty to protect.

The Officer recommendation was proposed by Mrs Crossland and seconded by Mr Haine.

Mr Langridge agreed with Mr Handley and noted that there were already a number of residential properties in the vicinity. He did not consider the current proposal would result in any particular harm in what was already a domestic setting. Whilst he recognised the need to protect the Conservation Area and acknowledged the concerns expressed by Officers, Mr Langridge believed that any harm arising from the development would be minimal. He noted that the Parish Council did not object to the application and, whilst he recognised the concerns over precedent, believed that the domestic setting of this site was sufficient to differentiate it from others in the vicinity.

The Development Manager outlined the extent of the nearby garden boundaries and, whilst acknowledging that the site was on the edge of the open countryside, nonetheless considered it to fall outside the village envelope. He reiterated the concerns expressed over precedent and, in response to Mr Handley's contention over large sites, reminded Members that the Local Plan envisaged windfall development of some 150 properties a year on policy compliant sites.

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

Refused

19 18/00694/FUL Clearwater, Aston Road, Bampton

The Senior Planner presented her report and advised that, whilst the applicant had submitted some financial information, this had not been sufficient to demonstrate that there was a viable business capable of supporting the applicant's livelihood.

In the absence of adequate supporting information she made a revised recommendation that, subject to the applicant providing satisfactory supporting evidence of the viability of the business, Officers be authorised to approve the application subject to the applicants entering into a legal agreement on the basis outlined at paragraph 5.10 and the conditions set out in the report. If the applicant should fail to provide satisfactory supporting information, the application be referred back to the Sub-Committee with a recommendation of refusal.

Mr Haine agreed that it was essential that the applicant provide evidence of the viability of the business and proposed the revised Officer recommendation.

In seconding the proposition, Mrs Crossland questioned whether the condition regarding the occupation of the proposed dwelling was sufficiently tightly phrased. The Senior Planner advised that it was also proposed to reinforce the occupancy condition by way of a legal agreement.

The Development Manager explained that, whilst it could be amended to require the proposed dwelling to be first occupied by a person involved in the current business, this standard condition was drafted in such a way as to retain the dwelling in agricultural occupancy in the event that the business it was intended to support were to fail.

Mr Woodruff expressed his support for the proposition.

Mr Good questioned why the applicant had not provided satisfactory supporting information and the Development Manager advised that the applicant had provided projections rather than accounts.

Mr Haine reiterated that the condition proposed was intended to restrict the dwelling to agricultural occupancy which would reduce its future value in comparison with unrestricted market housing.

Mr Leverton agreed that it was essential that supporting evidence be submitted.

The revised Officer recommendation was put to the vote and was carried.

**RESOLVED:** that Officers be authorised to approve the application subject to the applicants entering into a legal agreement on the basis outlined at paragraph 5.10 and the conditions set out in the report. If the applicant should fail to provide satisfactory supporting information, the application be referred back to the Sub-Committee with a recommendation of refusal.

28 18/00901/HHD 14 Woodlands Road, Witney

The Chairman welcomed Mr Stuart McIver, the recently appointed Planning Officer, to his first meeting.

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

The Officer recommendation was proposed by Mr Langridge and seconded by Mr Kelland and on being put to the vote was carried.

Permitted

31 18/00949/FUL Croft Farmhouse, 77 Abingdon Road, Standlake

The Senior Planner presented her report containing a recommendation of conditional approval. She recommended that additional ecological conditions be imposed as requested by the Council's Biodiversity Officer.

Mr Kelland indicated that he considered this application to be back-land development, comparable to that at the site at Greenacres Lane, Aston, considered and refused earlier in the meeting. In response, the Development Manager acknowledged that there was a degree of similarity but stressed that the principle of development on this site had already been established as being acceptable.

The Senior Planner advised that there was already an established vehicular access to a garage located on the site and, in consequence, it would not be possible to support a refusal on access grounds.

Mr Leverton expressed concern over the intensification of use of the bridleway and the consequent loss of amenity and suggested that it would be preferable if access was taken from the adjacent cricket club which had the benefit of a more appropriate junction. The Senior Planner explained that the County Council, as Highway Authority, had raised no objection to the proposed access. Whilst she recognised the concerns expressed, the Senior Planner explained that the District Council was reliant on the advice of the Highway Authority and would not be able to sustain a refusal on highways grounds at appeal without their support.

In response to a question from Mr Eaglestone, the Senior Planner confirmed that the developers were not offering any funding towards the provision of community facilities. The Development Manager advised that the scheme fell below the threshold for affordable housing provision and the Parish Council had not sought any developer funding. Once in force, the Community Infrastructure Levy would enable developer funding to be secured from such development based upon floor area. It was anticipated that the Community Infrastructure Levy would be introduced in West Oxfordshire shortly after the Local Plan was in place.

Whilst he supported the proposal and recognised the distinguishing factors, Mr Langridge suggested that it would be difficult for the general public to differentiate between this application and the site in Aston.

Mr Handley expressed concern over the use of the bridleway for vehicular access and suggested that the applicants should be required to make up and maintain that part forming the access to the properties. The Senior Planner advised that the question of the improvement of the bridleway had been addressed in the proposed conditions and the Development Manager indicated that future maintenance would be a civil matter.

In proposing the Officer recommendation, Mr Haine indicated that this application differed from that in Aston as the site was not within a Conservation Area. The proposition was seconded by Mrs Crossland.

Whilst he acknowledged the difference between the two applications, Mr Good felt the current proposal to be finely balanced. He welcomed the provision of planting and the re-siting of the adjacent property so as to preclude further development. Whilst he could understand the concerns expressed by local residents, given that there was an existing vehicular access, he was inclined to support the application.

Mr Good advised that delivery drivers had started to use Martins Lane as a 'rat run' and questioned whether it could be blocked to through traffic. In response, the Development Manager advised that Officers could explore this suggestion further but that such restriction would depend upon any existing rights of way.

Mr Handley agreed that the possibility of restricting through access should be explored further. Mrs Crossland advised that a similar situation in Carterton had been resolved by the installation of lockable folding bollards.

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

Permitted subject to the deletion of condition No. 8 and to the following additional conditions, Officers being requested to explore the possibility of restricting through access via Martins Lane:-

18. No development shall take place until a full Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Strategy shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and all mitigation features shall be permanently maintained thereafter.

Reason: To ensure that reptiles (e.g. grass snakes, slow worms) are protected in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

19. Before development takes place, details of the provision of integrated bat boxes (e.g. tubes, bricks, cavity boxes) and integrated nest boxes for house sparrows (terrace box), starlings and swifts (e.g. boxes or bricks) into the new buildings shall be first submitted to and approved in writing by the Local Planning Authority, including a drawing showing the types of box/feature, their locations within the site and their positions on the buildings. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently retained.

Reason: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

20. No development shall take place until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, incorporating species-rich tussocky grassland within the orchard area rather than general purpose wildflower meadow, and a 5-year maintenance plan. The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

21. A Landscape and Ecology Management Plan (LEMP) shall be first submitted to, and approved in writing by the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Description and evaluation of features to be managed; including location(s) shown on a site map
  - ii. Landscape and ecological trends and constraints on site that might influence management;
  - iii. Aims and objectives of management;
  - iv. Appropriate management options for achieving aims and objectives;
  - v. Prescriptions for management actions;
  - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
  - vii. Details of the body or organisation responsible for implementation of the plan;
  - viii. Ongoing monitoring and remedial measures;
  - ix. Timeframe for reviewing the plan; and
  - x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

40 18/00897/FUL Windrush Leisure Centre, Witan Way, Witney

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

The Officer recommendation was proposed by Mr Langridge and seconded by Mr Kelland and on being put to the vote was carried.

Permitted

9. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined by the Head of Planning and Strategic Housing under delegated powers and appeal decisions was received and noted.

The meeting closed at 3:25pm.

CHAIRMAN