

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 10 December 2018**

PRESENT

Councillors: Ted Fenton (Chairman); Duncan Enright (Vice-Chairman); Maxine Crossland, Harry Eaglestone, Hilary Fenton, Jeff Haine, Peter Kelland, Richard Langridge, Nick Leverton, Alex Postan and Carl Rylett.

Officers in attendance: Phil Shaw, Catherine Tetlow, Miranda Clark, Stuart McIver and David Bloomfield.

45. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 12 November 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

46. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Peter Handley and Ben Woodruff, and the following resignation and temporary appointment was notified:

Councillor Alex Postan for Councillor Steve Good.

47. DECLARATIONS OF INTEREST

Councillor Carl Rylett stated that lived in the vicinity of application numbers 16/03873/FUL (Land West of Fruitlands, Eynsham) and 18/12659/FUL (The Evenlode, Old Witney Road, Eynsham) but that this was insufficient to create any conflict of interest.

48. 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 was included within the Minute Book and published on the website.

(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:-

16/03873/FUL, 18/01724/OUT and 18/03122/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;

The Development Manager introduced the report and advised Members of further representations that had been received from Diane Beech, Peter Emery and the Eynsham Society. He set out details of the site location and of the bungalows proposed.

Mrs Linda Kennedy addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix A to the original copy of these minutes. In response to a query from Councillor Crossland asking what types of trees were on the site Mrs Kennedy explained that they included fruit trees and other mixed types.

Eynsham Parish Councillor Dennis Stukenbroeker addressed the meeting in opposition to the application. He explained that he was representing the Chairman of the Parish Council. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mr Alan Divall, the Agent for the Applicants, addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Councillor Leverton asked whether the land had been gifted as Public Open Space in connection with the original development of Fruitlands. Mr Divall said that it had not been given to either the Parish or District Councils. It had been laid out for use as Public Open Space but had never been brought into use.

Councillor Postan asked what trees were to be kept and Mr Divall replied that all the trees were covered by a Tree Preservation Order and a Schedule of trees to be retained was included in the application.

The Development Manager then presented his report. He began by reminding Members of the long planning history of the site. It had been originally intended as part of the open space to serve the Fruitlands development which was allowed on appeal. However, the mechanism whereby the land was to be maintained as such was not specified or required by the Inspector and although it was laid out and used informally as open space it was never adopted as such and remained private land. In principle the development of the site was considered acceptable subject to the matters set out in paragraph 5.5 of the report. He commented that there would be a net ecological benefit as a result of the proposal, albeit part of this benefit would be outside of the site, and pointed out that the NPPF did allow for off-site ecological benefit. The Applicants had also agreed to amend the Unilateral Undertaking to allow for public access to and through the open space. The Development Manager concluded that on balance, securing public access and the ecological benefits justified approval and he advised that the recommendation was one of approval subject to conditions to cover the matters set out on page 16 of the report, together with the ecological conditions set out in the Report of Additional Representations.

Councillor Kelland commented that it had been agreed in the 1982 Appeal that the site would be open space. He believed there was no time limit to that decision. The most recent application had been refused and this one should also be refused. The site would be important when the development to the west of Eynsham was carried out.

The Development Manager replied that the application would open up the open space and bring with it ecological management of the area.

Councillor Rylett believed that the historical background was important. This was the only woodland left in Eynsham and had been used by residents up to two years before. It was more important to have nature close to where people lived. He felt there was plenty of room within the West Eynsham Strategic Development Area to take the bungalows proposed.

Councillor Enright wondered how access could be regained to the site if the application was refused and he raised a series of points. He considered that offsetting ecological benefit to Freeland would set a precedent; it was not clear who would manage and own the open space; and he asked what the signed unilateral obligation would mean.

The Development Manager replied that although offsetting had not been carried out within the District it was now allowed by the NPPF and it would result in the orchard being managed and would add woodland elsewhere. Management and ownership would be covered in the Section 106 agreement probably by a management committee although if the Parish Council wished to take it over that could be dealt with in the Section 106 Agreement. The Unilateral Obligation would ensure that the proposed mitigation measures were delivered in a timely and appropriate manner and would also allow for public access through the site. He added that Members needed to look at the planning merits which would accrue further to consent being granted.

Councillor Haine stated that he agreed with the Local Members. The copse provided useful benefit. The residents did not want this application. He noted that all the trees were covered by a TPO and that should be upheld. He proposed that the application be refused as being against Policies EH2 and EH3. Councillor Kelland seconded the proposal.

Councillor Leverton commented that the principle of development of this site had been refused by the Inspector and that he could not support the application.

Councillor Langridge commented that he took a different view and supported the Officer recommendation. He felt the Sub-Committee should look at the proposals on a pragmatic basis. He did not see any reason to refuse the application. He noted that the Orchard would be managed and the proposals served the original intention for the site.

The proposal that the application be refused was then put to the vote and was carried.

Refused for the following reason:

By reason of the loss of local habitat and tree cover the proposed scheme is considered to erode an important open space, the partial loss of which would be harmful to the area and which has not been justified by the proposed compensatory benefits. It is therefore considered contrary to policies EH2 and EH3 of the adopted local plan, to the requirements of the strategic allocation proposed by way of Policy EW1 and to the provisions of the NPPF.

17 18/01724/OUT

Land North of Grange Farm House, Bampton Road, Curbridge

The Planning Officer introduced the report and set out details of the application showing the location and aerial views of the site. She highlighted the constraints on the site and showed an indicative plan of what the development could look like but emphasised that indicative nature.

Mrs Valerie Pole addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix D to the original copy of these minutes.

Councillor John Courtney representing Curbridge and Lew Parish Council, addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

Mr Matt Bryant, the Agent for the Applicants, addressed the meeting in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The Planning Officer then presented her report. As far as housing need was concerned the SHELAA process identified the site as having some potential for housing development but it was necessary to assess whether the proposal was required to meet identified housing needs as it was not included in the Local Plan. With regard to windfall sites, the Local Plan stated that windfall housing development on undeveloped land adjoining built up areas would require robust justification which had not been supplied in this case. As far as the heritage aspects were concerned, although there would be some impact on Curbridge Farmhouse and Thatch Cottage, it was considered that the potential benefits of the proposals outweighed the limited harm and for this reason Heritage did not form part of the recommended refusal reasons set out in the report. In conclusion, the Planning Officer confirmed that the recommendation was one of refusal for the reasons set out in the report.

Councillor Postan agreed with the report and proposed the Officer recommendation.

Councillor Langridge commented that the scheme did have some potential benefits, however he considered the Officer was correct and he seconded the proposal.

Councillor Leverton agreed with the report and found the scheme to be incongruous.

Councillor Enright commended Mrs Pole who had pointed out that the village was not against development in principle. He commented that there was clearly no support for the application in the village and he considered it was out of keeping with the area and should be refused.

The proposal was then put to the vote and was carried.

Refused

38 18/02659/FUL The Evenlode, Old Witney Road, Eynsham

The Planning Officer presented her report which contained a recommendation of approval subject to the conditions set out in the report. The proposal was for the extension of the public house to provide 17 letting rooms which would provide community facilities and improve the viability of the business.

Councillor Kelland indicated that he supported the proposals and felt that the amended plans were an improvement and he proposed the Officer recommendation.

Councillor Rylett seconded the proposal. He asked whether any additional parking was being provided and was advised that the Highway Authority had no objections and considered the parking to be adequate.

Councillor Enright congratulated the Planning Officer on the work she had done in respect of the application and he hoped that it would make the business more sustainable and broaden its appeal. He considered that it was a handsome building and asked whether chimneys could be included to match the existing building. The Planning Officer advised that a condition could be added to that effect.

Councillor Leverton congratulated the Planning Officer and was sure the applicant would conform to the requirements.

Councillor Langridge was delighted. He felt the proposals still looked a little large, but was happy to support approval.

Councillors Kelland and Rylett agreed to include a condition regarding the provision of chimneys in their proposal and on being put to the vote the proposition was carried.

Permitted, subject to the inclusion of an additional condition regarding the provision of chimneys.

42 18/02905/FUL Welcome Evangelical Church, High Street, Witney

The Planning Officer presented his report which contained a recommendation of approval subject to the conditions set out in the report. He confirmed that no new windows were being proposed and that there were no adverse amenity impacts.

Councillor Enright proposed the Officer recommendation. He was pleased that there would normally be a presumption against UPVC windows in the Conservation Area but agreed that in this location it was acceptable. This was a modest structure and he considered the Officer had done a good job with this application.

Councillor Langridge seconded the proposal. He asked whether Condition 3 was strong enough to prevent white windows being installed. It was pointed out that the materials specified in the application were anthracite grey.

Councillor Kelland agreed with the recommendation.

Councillor Crossland advised that wooden window frames were prone to expansion and could result in clouding of the glass. She supported the application.

Permitted.

46 18/02996/FUL

Unit C6, New Yatt Business Centre, New Yatt

The Planning Officer presented her report which contained a recommendation of refusal.

Councillor Enright proposed the Officer recommendation. He commented that there was a pub nearby which could have been ideal if it had not been closed.

Councillor Langridge seconded the proposal and noted that the highway authority had objected.

Councillor Leverton commented that it was very busy around the site and the application should be refused.

Refused.

50 18/03122/FUL

The Stores, Market Square, Bampton

The Planning Officer introduced the application and set out the location of the property and the floor plans.

Mr Andrew Gullett, the next door neighbour, addressed the meeting with regard to the application. He indicated that he shared a party wall with the property and had asked for certain conditions and he welcomed those set out in the report and also the proposed Note to Applicant. He felt that as it was a material change of use a noise assessment should be required.

Councillor Leverton asked whether Mr Gullett was resident when the application site had been a shop and Mr Gullett said that it had just closed.

Councillor Leverton asked whether there had been problems with the previous holiday lets. Mr Gullett said there had been and that the proposal may now be to his benefit.

Councillor Crossland was trying to identify the property and asked whether it was the one with a large bay window. Mr Gullett confirmed that it was.

The Planning Officer then presented her report. She had spoken to Building Control and had been advised that noise was not within their remit. She added that Environmental Health had not dealt with complaints in respect of hairdressing. It was possible that there might be an issue with access to the treatment rooms.

Councillor Crossland advised that she knew the property very well and believed that the change of use was the right thing to do as the property had no back garden and a lack of privacy at the front for use as a house. She proposed the Officer recommendation. Councillor Postan seconded the proposal.

Councillor Enright sympathised with the noise issues and asked whether there was any condition that could be included.

In response, the Development Manager suggested a note to the applicant requesting a construction management plan to limit fitting out noise.

Councillor Langridge agreed and felt any noise issues could be referred to Environmental Health. He was sympathetic to the concerns of the neighbours.

Permitted subject to the applicant being advised that the grant of planning permission does not override the civil rights of the neighbouring properties and to the following additional condition:-

- 6 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
  - (i) The parking of vehicles for site operatives and visitors
  - (ii) Prevention of noise to adjoining neighbouring properties
  - (iii) Measures to control the emission of dust and dirt during construction

Reason: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

54 18/03108/FUL

Land at Station Road, Bampton

The Development Manager presented the report. He advised that the key issue was the highway question. The Highway Authority had no objections and when they were requested by the Chairman of the Sub-Committee to clarify, they confirmed that there was no objection, as set out in the Report of Additional Representations. The Development Manager added that there were some concerns but as there was no highway reason to refuse, the recommendation was one of approval subject to the conditions set out in the Report of Additional Representations.

Councillor Ted Fenton commented that he was opposed to the proposal but acknowledged that the highway authority had not raised objections. He added that there had been frequent minor accidents, and agreed that it could not be refused.

Councillor Leverton considered it was a dangerous road and asked whether there could be 'tractor turning' signs and was advised that was possible by negotiation.

Councillor Postan agreed that it was a dangerous corner.

Councillor Langridge proposed the Officer recommendation and Councillor Kelland seconded the proposal.

Councillor Hilary Fenton asked whether danger warning signs could be erected. The Development Manager replied that he would ask if the Applicant would pay for the signs in order that the Highway Authority could erect them.

Permitted.

(Councillors Postan and Ted Fenton requested that their votes against the proposal be recorded)

49. APPLICATION 18/02187/POROW: PROPOSED DIVERSION OF PART OF PUBLIC RIGHT OF WAY 312/35 AT LAND SOUTH OF NEW YATT ROAD, NORTH LEIGH

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing, which sought authority for the making of a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990 and for the carrying out of the required statutory consultation upon it.

**RESOLVED:** That the Head of Planning and Strategic Housing be authorised to make the Order and carry out public consultation, consistent with the proposed diversion illustrated in the plan attached to the report.

50. 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 together with appeal decisions was received and noted.

The Sub-Committee noted that item nos. 14 and 33 had no decisions recorded. The Development Manger advised that they had both been approved.

In response to a question as to why item no. 34 had been refused, the Development Manager advised that the application had been for a Certificate of Lawfulness but it had been refused as the outbuilding was not within the curtilage of the dwelling.

51. CHAIRMANS ANNOUNCEMENT

Councillor Ted Fenton advised the Sub-Committee that this meeting had been the last that Catherine Tetlow would be attending and that she was leaving the Council at the end of the week. On behalf of the Sub-Committee he thanked her for all the hard work that she had carried out during her time with the Council and wished her well for the future.

The meeting closed at 4:15 pm.

CHAIRMAN