

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 11 November 2019**

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Owen Collins, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good, Jeff Haine, Nick Leverton, Dan Levy and Harry St John.

Officers in attendance: Joan Desmond, Miranda Clark, Stuart Mclver, Claire Green and Amy Barnes.

33. MINUTES

Councillor St John requested the addition of the word 'existing' to paragraph five relating to the Duck End Cottage application, on page three for clarity.

Councillor Collins advised that paragraph six on page six of the minutes did not accurately reflect his comments made about the application at 27 Market Square, Witney. At the meeting he had not been referring to use of the building for residential purposes negatively but had felt that just because the size of the premise could accommodate that number of dwellings, did not mean it had to. He requested that the minutes be amended to reflect that.

RESOLVED: that, subject to the amendments above, the Minutes of the meeting of the Sub-Committee held on 14 October 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

34. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

No apologies for absence were received and the following temporary appointments were noted:

Councillor Levy substituted for Councillor Mullins.

35. DECLARATIONS OF INTEREST

Agenda Item 4 – Applications for Development

Councillor St John declared a personal interest in 19/01573/FUL, Duck End Cottage, Duck End Lane, Sutton because the agent was known to him in a professional capacity.

36. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Business Manager – Development Management 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 Business Manager – Development Management, subject to any amendments as detailed below;

3 19/01878/FUL Chimney Farm Barns, Chimney, Bampton

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

Mrs Carter-Hunt addressed the meeting in objection to the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

The Planning Officer advised that the principle of converting agricultural storage buildings into homes had already been agreed and that this application was to consider the design of the dwelling. He advised that the applicant had submitted amended plans relating to materials.

Councillor Enright requested that the three main points raised by the objector be clarified. Firstly, the mention of light pollution and the impact on dark skies in the area; secondly the destruction of trees on the site and thirdly, the use class of the property.

In response, the Planning Officer advised that the light pollution issue would be something that Environmental and Regulatory Services would have been consulted on and they had raised no objection.

With regards to the removal of trees, the Planning Officer stated that the Council's Landscape Officer had been consulted and the applicant had no plans to remove any trees. The objector, Mrs Carter-Hunt, protested stating that this was untrue before being advised by the Chairman that she was not able to interject any further.

In trying to answer the issue regarding the use of the property, officers reminded Members that the application in front of them was for residential use and if, as had been implied, the property was let out for holiday rental purposes in the future, the use would still be classed as a residential use. Mrs Desmond also advised that if local residents were experiencing disturbance from properties hosting parties, this could be dealt with under Environmental Health legislation.

Councillor Crossland advised that she felt deeply sorry for the objectors and confirmed that this was an unspoilt area. She felt that it should be possible to apply conditions to help minimise the disturbance and improve the quality of life for nearby residents and hoped the Council could help both sides come to a reasonable compromise.

Councillor Haine stated that a residential let equated to a commercial use, not private use and queried whether there could be a condition added relating to the retention of the trees. He had concerns regarding the number of windows at the sides, back and front of the property and with the addition of the rooflights, he felt this would lead to too much light pollution in a dark sky area. He therefore, proposed refusal on the

grounds that the design would give way to ruining the night sky and because there was no plan for the garden and confirmation could not be given relating to the residential use.

This was seconded by Councillor Hillary Fenton who in doing so provided Members with a history of the site, going back nine years, in which the residents had experienced disturbance from parties held at the holiday lets, hen do's and a rave. She felt that the use class was a difficult one to ignore because previous experience and history implied that the property would be used as holiday let in a similar manner. Councillor Hillary Fenton also made reference to the access road leading to the properties, which despite being recently resurfaced, she had still had to reverse twice, for some distance due to the lack of passing places available. She also raised a concern about the resident Barn Owl which she felt strongly needed protecting.

Councillor Good reiterated the comments made by the proposer and seconder and signposted Members to the objection from the Parish Council, as detailed in the report. He felt strongly that the recommendation should have been for refusal.

Councillor St John stated that he had looked at the history of the three barns next door to the application site and these had been granted consent in the past to be used as holiday lets. However, these three barns and the application property were currently being advertised for sale as permanent dwellings. He therefore, felt that there was a chance that the difficulties experienced may be about to change.

The Chairman reminded the Committee that it was not in their gift to determine what may or may not happen in the future but to consider the application in front of them.

Officers provided clarification that the roof lights were located on the internal slopes of the dwelling and the grey areas shaded on the plan were photovoltaic panels.

Councillor St John suggested that most people required curtains or blinds to be put up at windows for privacy reasons and asked if it could be conditioned that blinds be placed on the rooflights as this may assist with the light pollution issue.

Councillor Good advised that he was the Ward Councillor for the area and, despite the drawings in the presentation making it appear otherwise, he knew that the trees were there.

Having been proposed by Councillor Haine and seconded by Councillor Hillary Fenton a recommendation of refusal was put to the vote, contrary to officers' recommendations, for the reasons set out above.

Refused

12 19/02389/HHD 66 Richens Drive, Carterton

The Planning Officer introduced the retrospective application which had been the subject of a complaint following a breach of planning control and

contained a recommendation of refusal.

Officers advised that the area in question was mostly open plan and conditions had been imposed to remove permitted development rights to enclose front gardens in order to retain this characteristic. Whilst some front gardens in the vicinity of the application site had been enclosed by hedgerows, planting was not development and as such permission was not required.

Councillor Crossland addressed Members and stated that she did not recognise the description of Richens Drive that officers had given. In her opinion, this was a mixed development which had encountered a number of changes over the years and many properties' front gardens were marked out by hedges and fences. She advised that the applicant now realised that he should have sought permission but he had a number of health issues and was 'blue badge' registered disabled. She stated that his sense of balance was precarious and he needed the fence to help him to manoeuvre around his garden, which was his pride and joy.

Councillor Crossland reminded Members that only one objection had been received compared to the nine letters and two telephone conversations of support she had received. She suggested that the permission could be made personal to the current occupier who was a military veteran who deserved the Council's support. She did not feel that the proposal was out of keeping for the area and reiterated that it had the support of 11 other residents and therefore proposed that it be granted.

This was seconded by Councillor St John who explained that he could not see understand officers were pursuing the matter. He recognised that the intention had been to retain the original, open plan character of the area but reminded Members that that was 50 years ago and the area had evolved. He felt that the application should be granted without any conditions.

Officers reminded Members that if the Council received a complaint relating to a breach of planning control, they had a duty to investigate it.

Councillor Hillary Fenton agreed that the fence was not aesthetically pleasing and felt that the town council needed to decide on the style of the area, taking into account the original design intention and how this had altered over time.

Councillor Leverton reminded Councillor H Fenton that in these situations the town council was only a consultee. With regards this application, he made reference to the large hedge showing on the photos, just a few doors down from the application site and stated that hedges had a tendency to creep onto the highway. A fence would not do this but he suggested that reducing the 1.8m high posts to the level of the fence panels may soften the aesthetics.

The proposer and seconder agreed that they would be happy with this amendment.

Councillor Enright reminded Members that officers were quite right in the

approach they had taken, however, the area did have a mixed approach to it, especially when it came to the demarcation between the front gardens of the properties. He also felt that the current height of the posts dramatized the effect but did not feel that this resulted in an incursion into the open character of the area. He stated that it was hard to support refusal especially in light of the lack of objections.

Councillor Eaglestone stated that he would prefer to see a metal gate rather than a solid wooden gate and requested that the applicant reversed the fence panels because they had been erected the wrong way round.

Councillor Good expressed his difficulty with the application and, despite the mitigation measures being suggested, he still had concerns about the visibility splays as this was a route used regularly by children walking to school.

Councillor Haine felt that if the Committee were to refuse this application, it would lead to officers needing to follow up a number of other building control breaches up and down the street.

Officers reminded Members that an option would be for them to defer the application and request the applicant alter their application.

Having been proposed by Councillor Crossland and seconded by Councillor St John a recommendation of deferral was put to the vote and was carried.

Deferred

37. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined by the Business Manager – Development Management under delegated powers and appeal decisions was received and noted.

The meeting closed at 2.50 pm.

CHAIRMAN