

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the **Uplands Area Planning Sub-Committee**  
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon  
at 2:00 pm on **Monday 29 April 2019**

PRESENT

Councillors: Jeff Haine (Chairman), Derek Cotterill (Vice-Chairman), Andrew Beaney, Nigel Colston, Julian Cooper, Charles Cottrell-Dormer, Merilyn Davies, Ted Fenton\*, David Jackson, Elizabeth Poskitt, Alex Postan and Geoff Saul.

(\* Denotes non-voting Member)

Officers in attendance: Phil Shaw, Joanna Lishman, Chloe Jacobs and Paul Cracknell.

71. MINUTES

Councillor Beaney noted that the spelling of his name was incorrect in the fourth paragraph of page four of the minutes.

**RESOLVED:** That, subject to the amendment detailed above, the minutes of the meeting of the Sub-Committee held on 1 April 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

72. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillor Richard Bishop. There were no temporary appointments.

73. DECLARATIONS OF INTEREST

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

74. 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:-

18/02928/FUL, 17/03423/FUL, 19/00452/FUL and 19/010401/FUL.

The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda).

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.

**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 18/02928/FUL The Sidings, Station Road, Kingham

The Development Manager introduced the application.

The applicant, Mr Darren Griffin, addressed the meeting in support of his application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

The Development Manager then presented the report containing a recommendation of conditional approval. He reported receipt of revised plans and recommended that condition 3 be revised to require compliance with them. The Development Manager also recommended the inclusion of an additional condition to control external storage on the site.

The revised Officer recommendation was proposed by Councillor Beaney and seconded by Councillor Colston and on being put to the vote was carried.

Permitted, condition 3 being revised to read as follows:-

3. The building shall be used in part for agricultural storage purposes in accordance with revised plan 2023 03 A.

Reason: To prevent an unsuitable use in this location.

and to the following additional condition:-

4. No storage, industrial or other business use, except the parking, manoeuvring and loading and unloading of vehicles, shall take place outside the building.

Reason: To protect the visual amenities of the locality and to ensure there is no interference with the circulation and manoeuvring of vehicles on the site.

7 18/03423/FUL Freeland Methodist Church, Wroslyn Road, Freeland

The Senior Planner introduced the application and made reference to the further observations sent by the agent representing the Freeland Community Benefit Society to all Members of the Sub-Committee.

The Reverend Roger Faulkner addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

In response to a question from Councillor Davies, Reverend Faulkner advised that the Freeland Community Benefit Society had secured planning permission to convert the building to a shop, café and community meeting place. He considered that the property was in an ideal location for this purpose given its proximity to the village hall, public house and garden centre.

In response to a question from Councillor Poskitt, he advised that the consent could not be implemented as the building was still in the ownership of the Witney and Faringdon Methodist Circuit.

In response to a question from Councillor Jackson, Reverend Faulkner advised that the Freeland Community Benefit Society had a plan in place to secure funding to progress the project. A draft share offer had been drawn up and it was proposed to invite local businesses to offer financial support. In addition, the Society intended to seek grant aid from external sources, including the Council. In response to a further question he indicated that he could not confirm that the Society had sufficient funds to acquire the premises as the asking price was not known.

Mr Peter Newell, the Chairman of the Freeland and Hanborough Parish Council, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

The local representative, Councillor Al-Yousuf then addressed the meeting in opposition to 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 Davies, Councillor Al-Yousuf confirmed that the Freeland Community Benefit Society had approached the Witney and Faringdon Methodist Circuit to register their interest in acquiring the property.

Councillor Cotterill requested clarification of the source of Councillor Al-Yousuf's population estimates. In response, Councillor Al-Yousuf advised that the 2011 census gave a figure of 1,560 and suggested that the additional homes recently approved would boost that figure to 1,600.

The applicant's representative, Reverend Rose Westwood then addressed the meeting in support of the application. A summary of her submission is attached as Appendix E to the original copy of these minutes.

Councillor Cooper questioned why the applicants could not get a valuation of the property without obtaining planning permission for this change of use and Reverend Westwood advised that the application was necessary to ascertain the best sale price.

Councillor Poskitt asked whether securing the greatest financial return was the only consideration. Reverend Westwood explained that the trustees were required to secure the best price for the disposal of assets but that it was likely that they could be persuaded to sell to a local group should it be able to raise an adequate sum.

Councillor Cotterill indicated that he had some recent experience of the law of trusts and his understanding was that trustees were obliged to secure the best possible reasonable price.

In response to a further question from Councillor Poskitt, Reverend Westwood confirmed that residential use would have a greater value than retail use.

Councillor Davies asked why the applicants had not agreed to dispose of the building to the Community Benefit Society for use as a shop and Reverend Westwood advised that no evidence had been provided to show that the Society was in a position to purchase the property.

The Senior Planner then presented her report containing a recommendation of conditional approval. She recommended that an additional condition be imposed requiring submission and compliance with a landscaping scheme. In presenting her report the Senior Planner made reference to paragraph 5.21 of the report but emphasised that this was a matter for the Church, not for the planning authority.

Councillor Davies expressed her opposition to the application as she considered this was a community building and was valuable as such. She could not see why it had not been designated as an asset of community value and considered that its previous community use was not ancillary to that as a place of worship. Consequently, Councillor Davies believed that its loss should be resisted as being contrary to Policy E5 of the West Oxfordshire Local Plan, noting that there was no viable alternative provision for young children within walking distance.

Councillor Davies proposed that the application be refused and in seconding the proposition, Councillor Postan suggested that, as the local community was well placed to fund the Community Benefit Society's project, there was a viable alternative to residential use. Councillor Postan also advised that, should the project proceed, the Community Benefit Society should ensure that it had an exit strategy in the event that it failed and that it should also set aside a sinking fund to meet the cost of the inevitable repairs and maintenance arising from ownership of such a building.

Councillor Beaney suggested that, without detailed proposals, it was premature to suggest that the change of use would not result in a lesser quality of conservation or enhancement of the listed building. He considered the extant consent for use as a café and shop to be a relevant consideration and suggested that the application was contrary to Policies E5, OS2 and H2 of the Local Plan.

(Councillor Fenton left the meeting at this juncture)

Councillor Cotterill suggested that the application did not comply with Policy OS4. This was a small plot and he could not see how the building could be made suitable for residential use without compromising its design by the installation of additional fenestration or roof lights.

Whilst acknowledging the points raised, the Development Manager cautioned that, whilst Members might consider that a residential conversion could not be carried out without detriment to the integrity of this listed building, the current application was solely for a change of use. If Members found the work necessary to give effect to such consent was inappropriate, the Sub-Committee could refuse any future application for Listed Building Consent. He emphasised that Members ought not to speculate on what might be involved in any subsequent listed building application.

Councillor Poskitt acknowledged the point but failed to see how conversion could be achieved.

Councillor Cottrell-Dormer concurred, expressing his opposition to the application. He considered that there was insufficient amenity space and future residents would face disturbance from those using the village hall.

Councillor Saul noted that Policy E5 sought to resist the loss of community facilities where there was no appropriate alternative provision. It had been stated by the objectors that the village hall was over-subscribed and Councillor Saul questioned whether evidence to this effect would impact upon the recommendation in the report. The Senior Planner drew Members' attention to paragraph 5.18 of her report which addressed this assertion and advised that, whilst Officers would consider formal evidence to this effect, no such evidence had been submitted. She confirmed that the loss of the facility had been assessed having regard to the facilities offered by the village hall.

Councillor Jackson emphasised the detrimental impact that the loss of a shop had had on other villages and noted that other smaller settlements had been able to maintain a village shop. The presence of a shop was important as it served as a community hub.

Councillor Cooper made reference to paragraph 5.3 of the report and stated that he considered the fact that there was an extant consent to be significant. He invited Members to reflect on policy E5 and the impact of the loss of a shop. With regard to the question of appropriate alternative provision, Councillor Cooper suggested that this should be within walking distance.

The Development Manager stressed that, whilst permission had been given for the use of the building as a shop, it was not operating as such. The weight given to the extant consent had to recognise that it could not be implemented by the Community Benefit Society as the building was not under their ownership or control.

Councillor Colston agreed with Councillor Jackson and suggested that the Church's first duty should be to the local community.

Councillor Davies expressed concern at the suggestion that permission should be granted so as to avoid the building being left to deteriorate unoccupied. The Development Manager advised that, whilst the potential for the building to deteriorate was not a good reason to grant consent, the local planning authority had a duty to find viable alternative uses for redundant listed buildings.

Councillor Postan indicated that Officers had put a great deal of thought into this application and reminded Members that, if the application was refused, the applicants could lodge an appeal. In consequence, it was important for the Sub-Committee to be clear as to its reasons for refusal. He considered that any refusal should focus on the comments of the Council's Conservation Officer and Policy E5 of the Local Plan.

The Development Manager advised that the National Planning Policy Framework was based upon the premise that the optimum use of a building was that which it was built for. It had been argued that the community use had been more extensive than was recognised and that conversion to residential use would have an inevitable detrimental impact upon the building.

Councillor Beaney suggested that the site was inappropriate for residential use hence the application was contrary to Policy OS2 and elements of Policy H2. He considered that it had not been shown that the development would comply with the requirements of Policy EH11, nor was it compliant with Policies E5, H2 and the advice in the National Planning policy Framework. It had not been shown that appropriate alternative provision could be accessed on foot.

Councillor Cottrell-Dormer noted that there was a village shop in Wootton and questioned why the Methodist Circuit did not seek to generate an income by letting the premises on a full repairing lease.

Councillor Cotterill believed that the local community should be capable of raising sufficient funds to purchase the building and noted that the Parish Council had raised the precept to fund construction of the new village hall. It was difficult to see how conversion to residential use could deliver high quality design and Councillor Cotterill considered the application to be contrary to Policies EH11, EH12 and EH13.

In summing up, Councillor Haine clarified that the recommendation of refusal was based upon the application's failure to comply with Policies OS2, E5, H2, EH9 and EH11 of the Local Plan.

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

Refused for the following reason(s)

1. The proposed change of use of Freeland Methodist Church to a residential dwelling would result in the loss of a valued local community facility and would, by reason of the failure to demonstrate suitable, viable, alternative provision within walking distance, be considered contrary to Local Plan Policy E5, OS2, H2 and paragraph 83(d) and Section 8 of the NPPF.
2. The conversion of the Freeland Methodist Church to a C3 residential dwelling would, by reason of the lack of detailed design drawings, fail to demonstrate that the conversion is able to conserve or enhance the special architectural or historic interest of the fabric of the Grade II listed building and would not harm its significance and as such is contrary to Policies EH9 and EH11 and Section 16 the NPPF.

21 19/00401/FUL Barclays Bank, 14 Park Street, Woodstock

The Planning Officer presented her report containing a recommendation of conditional approval and advised that, contrary to paragraph 5.16, the site was not within the Conservation Area.

Councillor Cooper noted that the report indicated that the property had previously been used as a dwelling and questioned when it had last been in residential use. He proposed that consideration of the application be deferred to seek the views of the Council's Business Development Officer and to the submission of an application for Listed Building Consent so as to enable Members to assess the impact of any internal alterations on the property.

In response, the Planning Officer advised that, as the property was located outside the designated town centre and had not been in commercial use for around two years, the views of the Business Development Manager had not been sought. Further, it was explained that, whilst the property had not been in residential use for many years, the building had been listed as a former dwelling.

The recommendation of refusal was seconded by Councillor Poskitt who considered that there should be an opportunity for the property to remain in commercial use.

Councillor Beaney indicated that, as the property lay outside the designated town centre, he could not support deferral. Councillor Colston concurred, suggesting that it was likely that other similar applications would come forward as shopping habits changed. Councillor Cottrell-Dormer saw such applications as regrettable but inevitable.

Councillor Postan indicated that he would like to see a proper commercial analysis.

Whilst sympathetic to the sentiments expressed, the Development Manager advised that the Council's policies sought to retain the vibrancy of town centres as shopping habits changed by concentrating commercial activity within a central core rather than in a wider area within which going concerns were interspersed with vacant properties.

The recommendation of refusal was put to the vote and was lost.

The Officer recommendation of conditional approval was then proposed by Councillor Beaney and seconded by Councillor Colston and on being put to the vote was carried.

Permitted

Councillors Cooper and Postan requested that their votes against the foregoing recommendation be so recorded.

31 19/00452/FUL 26 Balliol Close, Tackley

The Senior Planner introduced the application.

Mrs Sally Grover addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix E to the original copy of these minutes.

Mr Tony Reedman, the applicant's agent, then 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 Senior Planner then presented her report containing a recommendation of conditional approval and recommended the inclusion of an additional condition regarding site levels.

She acknowledged that the boundary fence was lower than the 1.8 metres indicated in her report and advised that the trees on the boundary of the neighbouring property were not subject to protection as the site was not situated within a Conservation Area.

Councillor Cottrell-Dormer considered the proposed development to be overbearing and unacceptable and proposed that the application be refused. The recommendation was seconded by Councillor Cooper.

Councillor Beaney disagreed. He noted that the current application differed little from the extant consent and the Council would have little chance of successfully defending a refusal on appeal, leaving it susceptible to an award of costs. He welcomed the provision of additional on-plot parking and suggested that, should the application be approved, additional conditions be applied to regulate boundary treatment and external lighting, together with a note regarding the protection of trees on the adjacent property.

In response to a question from Councillor Postan, the Senior Planner confirmed that the floor area was essentially identical to that previously approved. In consequence, Councillor Postan indicated that he could not see how the application could be refused. Whilst expressing his sympathy for the occupier of the adjacent property, Councillor Jackson concurred.

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

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

Permitted subject to the following additional conditions, the applicant being requested to take care when excavating close to the boundary with No.13 in relation to tree roots:-

15. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area.

16. Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the building(s) is occupied.

Reason: To safeguard the character and appearance of the area and because details were not contained in the application.

## 75. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

Councillors Cooper and Poskitt wished to place on record the fact that they were satisfied with the manner in which Application No. 19/00562/PDEM28 (Demolition of Woodstock Library, Hensington Road, Woodstock) had been dealt with by the Council.

At the conclusion of the meeting, the Chairman wished all those standing for re-election in the forthcoming elections well.

The meeting closed at 4.15 pm.

CHAIRMAN