

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Lowlands Area Planning Sub-Committee**  
Held in the Council Chamber at 2.00 pm on **Monday, 6 December 2021**

### PRESENT

Councillors: Councillor Ted Fenton (Chairman), Councillor Rupert Dent, Councillor Harry Eaglestone, Councillor Duncan Enright, Councillor Jeff Haine, Councillor Mark Johnson, Councillor Richard Langridge, Councillor Nick Leverton, Councillor Dan Levy, Councillor Lysette Nicholls, Councillor Carl Rylett and Councillor Harry St John

Officers: Abby Fettes (Interim Development Manager), Sarah Hegerty (Planner (Development)), Esther Hill (Planner) and Kelly Murray (Senior Planning Officer) and Adrienne Frazer (Strategic Support Officer)

#### **36 Minutes of Previous Meeting**

The minutes of the meeting held on 8 November 2021 were approved and signed by the Chairman as a correct record.

#### **37 Apologies for Absence and Temporary Appointments**

Apologies for absence were received from Councillors Aitman, Good and Bolger.

Councillor Dent substituted for Councillor Crossland and Councillor Johnson substituted for Councillor Woodruff.

#### **38 Declarations of Interest**

Declarations of Interest were received as follows, Councillor Johnson was speaking as Ward Councillor on application number 21/02628/FUL, 1 St Marys Court, Witney.

Councillor Leverton stated that he knew the applicant for 21/02593/FUL Windyridge Crawley Road, Witney but has no pecuniary interest in the application. He would remain in the room for the discussion.

#### **39 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 decisions on the following applications 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:-

##### 21/01565/FUL 35 Taphouse Avenue, Witney

The Chairman proposed that due to the uncertain nature of the recommendation the application be deferred to allow a site visit to take place.

This was seconded by Councillor Haine who stated that he also thought a site visit necessary.

The proposal for a site visit immediately before the next meeting of the sub-committee was then put to the vote and was carried.

**Deferred**

21/02364/FUL Land (E) 432925 (N)209696 Downs Road, Curbridge, Witney

The Planning Officer, Abby Fettes, introduced the application for the erection of 4 employment units (Class E (g iii), B2 and B8) with drainage, car parking and landscaping.

A public submission was received from David Edward-Hughes in objection to the application. He advised the committee that the initial planning conditions around restrictions on noise and light disturbance had not been met. He added that the boundary between the industrial and residential land had not been adequately protected.

Following a question from Councillor Leverton, Mr Edward-Hughes confirmed that there were no windows in the side of the building that is fourteen metres from his house.

A public submission was also received from James Hicks representing the applicant. He informed the Committee that the tallest building on the site was twelve metres, whilst the permission allowed up to fifteen metre high units. He added that his client was committed to providing high quality employment opportunities.

Following a question from Councillor Fenton about HGV deliveries 24 hours a day, Mr Hicks agreed that this was possible but he could not be certain at this stage as not all the units had been let. However it was common practice for deliveries to be carried out during the night. He also confirmed that the external lighting will be focussed downward to reduce light pollution.

The Planning Officer then presented her report containing a recommendation of provisional approval. She reminded the Committee of the various classifications of industrial buildings. She then advised that there was to be a five metre buffer between the employment and housing areas and noted that there is a current demand for larger industrial units as proposed in the application. Officers requested delegated authority for the final matters to be agreed.

Councillor Eaglestone proposed that the application be deferred to allow a site visit to take place because of the contentious nature of the application.

This was seconded by Councillor St John who suggested an after dark visit to assess the impact of the lighting. It was agreed that this would be useful but not easy as an official site visit so members were encouraged to make private visits during darkness in addition to any official site visit.

The proposal for a site visit was then put to the vote and was carried.

**Deferred**

Councillor Johnson left the meeting.

21/02628/FUL I St Marys Court, Witney

The Planning Officer, Abby Fettes, introduced the application for the demolition of an existing two-storey housing facility and three bungalows followed by the erection of a two-storey block of 30 flats.

A public submission was heard from Nigel Goulding representing the applicant. Mr Goulding advised that the existing housing was no longer up to date and was difficult to renovate, hence the proposal to re-develop the site with similar properties to the existing.

06/December2021

Following questions from Councillor Leverton and St John, Mr Goulding advised that the current site contains twenty six units and the proposal is for thirty units and that there would be an over 55 years of age condition on the housing.

Councillor Johnson returned to the meeting and spoke as the Ward Councillor for the area. He informed the Committee that he supported the development despite some concerns from local residents around the visual encroachment of the proposed new buildings, parking issues and difficult access arrangements for construction vehicles.

Councillor Johnson then left the meeting.

The Planning Officer then presented her report containing a recommendation of approval. She advised that the proposal was for one hundred percent affordable housing for over 55 year olds. She informed the meeting that the first floor balconies are almost twice the required distance from the houses to the rear of the site and that the parking was changing from a provision of twelve space for twenty six flats to twenty five spaces for thirty flats and would include electric vehicle charging points. The officer requested delegated authority be passed to officers and the Chairman of the Committee on the technical drainage issues.

Councillor Leverton asked for the parking numbers to be reconsidered as there were sixty nine bed spaces in the proposed development. The officer advised that it was unlikely that Oxfordshire County Council would be willing to reconsider their policies on parking.

Councillor Langridge stated his support for the application which was much needed and proposed that the application be granted as per officers' recommendations subject to delegated authority being passed to officers and the Chairman of the Committee on the technical drainage issues.

This was seconded by Councillor St John.

Councillors Levy and Enright felt the parking would not be an issue as the site was in the centre of Witney. Councillor Enright had not seen the car park full when he visited there. He hoped that Cottsway would consider and protect the existing residents as the site is redeveloped. Councillor Fenton commented that a similar re-development in Bampton that had raised similar concerns eighteen months ago was nearing a successful and surprisingly undistruptive conclusion.

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

Councillor Leverton abstained.

## **Approved**

Councillor Johnson re-joined the meeting.

### 21/02906/S73 Fish Hill Farm Wilcote Road, North Leigh, Witney

The Planning Officer, Abby Fettes, introduced the application for the removal of condition 1 of permission 10/0425/P/FP to allow the use of the barn for rearing livestock and storage of feeds, bedding and equipment associated with the agricultural or horticultural use of the land.

A public submission was received from Mr and Mrs Young in objection to the application mainly due to the smell from the goats.

Lowlands Area Planning Sub-Committee

06/December2021

The Planning Officer then presented her report containing a recommendation of approval. She advised that the alteration to the condition is to include livestock.

Following a question from Councillor Leverton the officer clarified that the barn is one hundred and fifty metres away from the neighbouring property.

Councillor Langridge expressed his sympathy with the neighbours however he could not see a reason to refuse the application without an objection from Environmental Health. He reluctantly proposed that the application be granted as per officers' recommendations subject to a request going to the Environmental Health Department to visit the site.

This was seconded by Councillor Leverton.

Councillor St John informed the Committee that he lives in the Ward and confirmed that there is a smell from Fish Hill Farm probably from the large manure pile to the north of the site. He expressed his uncertainty about supporting this application.

The Chairman advised that the late representations provided stated that the manure heap is on a stone lined site and that the issues raised were a matter for Environmental Health.

Following a discussion concerning the involvement of the Environmental Health Department, the officer confirmed that the Department had seen the planning application. She agreed to liaise with Environmental Health to ask them to visit the site.

The Chairman advised that the application is only for the change of use of one barn but that the visit by Environmental Health was imperative.

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

Councillor St John voted against the application.

## **Approved**

### 21/03027/FUL Old Farmhouse Burford Road, Black Bourton, Bampton

The Planning Officer, Esther Hill, introduced the application for the formation of a vehicular access to serve the holiday cottages.

The Planning Officer then presented her report containing a recommendation of approval.

Councillor Langridge proposed that the application be granted as per officers' recommendation advising that the application will make the access safer.

This was seconded by Councillor Enright.

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

## **Approved**

### 21/02593/FUL Windyridge Crawley Road, Witney

The Planning Officer, Sarah Hegerty, introduced the application for the demolition of an existing bungalow and construction of new detached dwelling and presented her report containing a recommendation of refusal. She advised that the application would significantly increase the scale, volume and footprint of the building but noted that the Parish Council did not object.

Lowlands Area Planning Sub-Committee

06/December2021

Councillor Langridge informed the Committee that this site is adjacent to his Ward. He suggested that the proposal for refusal may be overly careful as there are no objections to the plans and suggested that an application for a smaller building would receive the Committee's approval. He stated that he would not be supporting the officer's recommendation of refusal.

Councillor Haine agreed that an application for a smaller dwelling would have been preferable. He proposed that the application be refused as per officers' recommendations.

This was seconded by Councillor Leverton.

Councillor St John requested clarification on the increase in dimensions of the dwelling. The officer explained that the comparison is between the original dwelling and the proposal, not the existing and the proposal.

Councillor Enright advised that he was not opposed to rebuilding the dwelling but would not be voting against the recommendation of refusal. He would abstain.

The officers' recommendation of refusal was then put to the vote and was carried. Councillors Langridge, Enright and St John abstained.

## **Refused**

### 21/02577/FUL 35 Shillbrook Avenue, Carterton

The Planning Officer, Kelly Murray, introduced the retrospective application for the change of use of land to allow a mixed use of domestic garden and renovating of a boat in the front garden and presented her report containing a recommendation of temporary approval for one year. She advised that the application had been brought to the Committee as the Town Council objected to the boat remaining in the front garden; it being visually intrusive and at the height of the roof. She advised that this material change of use has been in existence since 2018, and that no one had complained. The application before the Committee proposes a temporary granting of permission for one year.

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

This was seconded by Councillor Eaglestone.

Councillor Haine expressed his support for the officer's recommendation.

Following a discussion about the timescale, the officers' recommendation of approval was put to the vote and was carried.

## **Approved for 1 year**

### 21/02805/FUL 48 Sherbourne Road, Witney

The Planning Officer, Abby Fettes, introduced the application for the change of use of land to enlarge a domestic garden and reposition a 1.8m high close-boarded boundary fence and presented her report containing a recommendation of approval.

Councillor Eaglestone remembered that the Committee had refused a similar request in 2018. The officer agreed but clarified that this application differed as it was to match the rest of the pathway's fencing.

06/December2021

Councillor St John asked if the applicant owned the land. The officer advised that despite their investigations it could not be found that anyone owned the land. She advised the Committee that adding an informative to say that planning permission does not override personal property rights would resolve the issue.

Councillor Eaglestone then proposed that the application be granted as per officers' recommendations subject to a civil note being included as an informative that the land belonged to the applicant.

This was seconded by Councillor Langridge.

Councillor Enright disagreed and felt that garden grabbing and enclosing public space should not be approved of. He stated that this would not be setting a precedent because neighbouring properties had a similar boundary to the one being established.

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

### **Approved**

Councillor Leverton left the meeting.

### 21/03302/FUL Land Adjacent to Clovelly Cottage White Oak Green, Hailey

The Planning Officer, Kelly Murray, introduced the partially retrospective application for the construction of a detached garage for storage not in connection with Clovelly Cottage and presented her report containing a recommendation of refusal. She advised that this would be an incongruous, inappropriate and unsustainable development in this location. Due to the lack of association with residential use there would be potential for noise and disturbance including increased vehicular activity that would be incompatible with the residential character of the area.

Councillor Haine proposed that the application be refused as per officers' recommendations.

This was seconded by Councillor Enright.

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

### **Refused**

40

### **Progress on Enforcement Cases**

The Sub-Committee received the report of the Business Manager – Development Management, giving details of the progress on enforcement cases, copies of which had been circulated.

The Planning Officer, Kelly Murray, introduced the report and provided the following updates.

27 Cherry Tree Way – the case had been ongoing for a long time. The Planning Department had successfully got an injunction to remove the rubbish in the garden.

Reynolds Farm, Cassington - Councillor Rylett requested an update. The officer advised that there is not a timescale issue as an enforcement notice being served stops the clock. A prosecution case is in progress and a timeline to comply by had been agreed.

06/December2021

Mount Pleasant Farm - the appeal against the enforcement notices had been dismissed.

The Paddocks, The Weald, Bampton – the officer noted that this was a large case with multi-agency input and such cases do take time to resolve. All relevant planning applications take this enforcement case into account. Councillor St John expressed his concern about the amount of time the case is taking. Councillor Fenton, as one of the Ward Members present concurred and advised that there is local concern over this issue.

Land to the north of Mead View, Cassington Road, Eynsham – Councillor Rylett asked for an update. The officer advised that an application for a certificate of lawfulness was expected, because if the issue had been ongoing for over ten years it may have become lawful. However if an application is not received enforcement action may go ahead.

Councillor Langridge stated that he was pleased to see the progress being made.

The Committee expressed their congratulations to officers and all of the Enforcement Team.

#### **41 Applications Determined under Delegated Powers**

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

Councillor Haine noted that item 15 should have been on the Uplands Planning Sub-Committee papers.

The Meeting closed at 4.10 pm

CHAIRMAN