

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Lowlands Area Planning Sub-Committee**

Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB
at 2.00 pm on **Monday, 4 March 2024**

PRESENT

Councillors: Michael Brooker (Chair), Andy Goodwin (Vice-Chair), Julian Cooper, Rachel Crouch, Phil Godfrey, Nick Leverton, Dan Levy, Andrew Lyon, Michele Mead, Lysette Nicholls, Andrew Prosser, Alaric Smith, Harry St John and Adrian Walsh.

Officers: Phil Shaw (Development & Sustainability Business Manager), Abby Fettes (Interim Development Manager), Clare Anscombe (Senior Planner), Esther Hill (Planner), and Elloise Street (Planner), Andrew Brown (Democratic Services Business Manager) and Anne Learmonth (Strategic Support Officer).

Other Councillors in attendance: Nil.

69 Apologies for Absence

Apologies for absence were received from Councillors Alistair Wray and Colin Dingwall.

Councillor Alaric Smith substituted for Councillor Alistair Wray.

Councillor Michele Mead substituted for Councillor Colin Dingwall

70 Declarations of Interest

There were no declarations of interest received.

71 Minutes of Previous Meeting

The minutes of the meeting held on 5 February 2024 were approved and signed by the Chairman as a correct record.

Councillor Adrian Walsh proposed that the minutes of the previous meeting held on 5 February 2024 be agreed by the Sub-Committee as a true and accurate record and be signed by the Chair.

This was seconded by Councillor Andrew Prosser was put to the vote and was agreed by the Sub-Committee. There were 13 votes in favour and 1 abstention. The vote was carried.

The Sub-Committee **Resolved** to:

Agree the minutes of the previous meeting held on Monday 5 February 2024 as a true and accurate record.

72 Applications for Development

73 23/02849/FUL Land South of West Chapel Lane, Standlake.

Esther Hill, Planning Officer, introduced the application for the erection of a dwelling with double garage, adapted vehicular entrance point and related landscaping.

Jenny McDonald, spokesperson for Standlake Parish Council addressed the Sub-Committee in objection to the application.

Lowlands Area Planning Sub-Committee

04/March2024

Paula Gaffney and John Spencer addressed the Sub-Committee and spoke in objection to the application. The speakers provided clarification on the frequency of surrounding houses having to deal with flooding and drainage problems.

Neil Perry, Agent for the applicant addressed the Sub-Committee in support of the application and stated the borehole within the neighbouring property was 130mm lower at the boundary than the borehole within the application site.

The Planning Officer drew the Sub-Committee's attention to the following points;

- The application had been deferred at the January Lowlands Planning Sub-Committee for a site visit, for additional comments to be provided by Oxfordshire County Council (OCC) Highways, the WODC Drainage Officer and for public re-consultation.
- Safety concerns had been raised by both Members of the Sub-Committee and members of the public, regarding the access to Chapel Lane for both car users and pedestrians. After observing the use of the lane by car users, pedestrians and cycle users, OCC Highways had found the access substandard.
- The loss of agricultural land, the single dwelling proposed, and the implementation of a Wild-Flower Meadow would not result in increased use of the lane access and therefore no objection had been raised by OCC Highways and it would therefore be unreasonable to request improvements to access as part of this application.
- The site fell under Flood Zone 1, however a significant number of objectors had highlighted that Standlake experiences ground water flooding.
- Two additional ground water monitoring reports had been submitted by the applicant with measurements and photos. Third party representatives had dug 3 boreholes surrounding the application site and used ground water monitoring equipment to take measurements which had been included in the objections.
- The Planning Officer and WODC Drainage Officer had conducted a site inspection on 19th February. The Planning Officers found inconsistencies in the levels of ground water data supplied by the applicant. Officers had taken a reading from the trial pit within the application site which fell below the minimum required for water treatment. The measurement taken from the borehole within the site was above the minimum required but officers had concerns over how the levels were being measured. Since the officer site visit the applicant had advised that the OS Datum Readings for the site had been reviewed and this put the top of pipe 30mm higher than they had estimated. In turn, this raised the highest recorded ground water level by 30mm. To achieve the 300mm clearance needed the applicant had suggested increasing the dwelling and patio by 50mm. The Drainage Officer objected as the readings had not included the dates when high levels of rainfall had been experienced and were therefore concerned with the 50mm increase proposed.
- The Planning Officers were concerned that it had not been demonstrated that the proposed development would not result in an unacceptable flood risk to the occupiers of the new dwelling or existing occupiers of dwellings in the area. The Planning Officers recommended refusal of the application.

The Chair then invited the Sub-Committee to discuss the application, which raised the following points:

04/March2024

- On the site visit Members had the opportunity to see the flooding currently affecting the street and the impact on the surrounding properties including the use of pumping equipment.
- The Sub-Committee expressed concerns that the flooding was at the detriment of the residents and not enough data was available.
- Clarification was given by the WODC Drainage Officer on the measurements and readings taken, the levels of water on 9 February 2024 and 18 February 2024 were when the area had experienced the highest rainfall according to data sent by the neighbour. The WODC Drainage Officer advised that if the dwelling was raised any further it could increase the water run off to surrounding properties.
- The Sub-Committee asked for clarification on the dates 9 February 2024 and 18 February 2024, where the data came from on those dates. The Planning Officer confirmed that the data from those dates had been taken from the neighbouring houses. The WODC Drainage Officer confirmed those readings to be 8mm and 4mm. The Sub-Committee stated that given the 130mm difference between the borehole within the site and the borehole on the neighbouring property, on 9 February 2024 and 18 February 2024 the water levels within the site would have been higher than the minimum 300mm clearance needed.
- The Sub-Committee expressed that the development would add to the drainage and traffic problems within the surrounding area.

Councillor Lysette Nicholls proposed that the application be refused in line with Officer's recommendations.

This was seconded by Councillor Adrian Walsh, was put to the vote and was agreed unanimously by the Sub-Committee.

The Sub-Committee **Resolved** to:

- I. Refuse the application in line with Officer's recommendations.

74

23/02297/FUL Land Adjoining Dunlaoghaire, Primrose Lane, Weald

Elloise Street, Planning Officer, introduced the application for a proposed new dwelling to replace redundant stables and store, to create a holiday let (amended plans).

John Duff addressed the Sub-Committee and spoke in objection to the application.

The Democratic Services Officer read out a statement from the applicants Sam and Adrian Smart.

The Planning Officer drew the Sub-Committee's attention to the following points;

- The application had come before the Sub-Committee due to Bampton Parish Council objecting to the scheme and due to the site visit.
- The application was being considered under the West Oxfordshire Local Plan policy, E4 Sustainable tourism. The current stables on the site had been considered not worthy of retention
- The proposed development was of a high-quality design and the footprint did not exceed the current concrete site footprint. The Planning Officer confirmed that there

04/March2024

had been a structure on the site when reviewing the map from 1899 and it could be inferred that there was a dwelling house with a range.

- The proposed accommodation would be on a site where residential development would not normally be permitted therefore a condition had been included to ensure holiday tenancies were not to exceed 8 weeks, with a relevant noise condition too.
- The Planning Officer clarified that even though the applicants flood risk assessment considered the site to fall under Flood Zone 1, the Environmental Agency mapping data stated the site was within Flood Zone 2 (FZ2) and as a result was to be considered in FZ2. A condition had been included to cover provision for surface water drainage and to ensure flooding would not be exacerbated in the locality.
- The Conservation Officer did not submit any objections and it was felt that the holiday let would have a positive influence on the surrounding area.
- There were no additional representations submitted. The Planning Officer recommended approval of the application.

The Chair then invited the Sub-Committee to discuss the application, which raised the following points:

- Councillor Alaric Smith declared an interest due to receiving representations from both sides.
- The Sub-Committee asked for clarification regarding the matter of residential properties not being permitted however a holiday let would be acceptable. The Planning Officer explained that the application was being considered under West Oxfordshire Local Plan policy E4 and not under a new dwellings policy H2. Therefore, conditions had been applied to the report to prevent permanent residential use.
- The Sub-Committee asked how the condition of holiday tenancies beyond 8 weeks would be monitored. Would the applicants send information automatically on length of stays by holiday tenants? The Planning Officer confirmed that 8 weeks was the standard period of time for a holiday let. The holiday let condition would cover the use of the property, if there was a report of a permanent resident the Enforcement Officer would ask for a record of those who had stayed at the property.
- The Sub-Committee asked that a condition be included for Permitted Development Rights to prevent the property being extended as the site is in a conservation area.
- The Sub-Committee also raised concerns regarding precedent being set in this location and the potential of further development in this location and whether conditions could restrict further development. The Planning Officer confirmed that as the Council was considering what was within the redline, it could not impose any conditions that would not be reasonable. Any new application would fully be considered on its own merits. In addition, it was asked whether conditions could be placed on the blue line area of the applicants ownership which again was not considered reasonable.
- The Sub-Committee raised concerns that the use of the site would differ considerably from a stable to a dwelling albeit a holiday let. The footprint of the proposed dwelling looked bigger than the current stables. The site was in Flood Zone 2 so would not be suitable for a dwelling. The Planning Officer confirmed that the stable was not suitable for retention. The National Planning Policy Framework (NPPF) stated that Holiday

04/March2024

Lets, Student Accommodation, hotels were all under the same grouping and therefore would be acceptable in the location.

Councillor Nick Leverton proposed that the application be refused on policy EH10, the impact and harm to the conservation area.

This was seconded by Councillor Michele Mead, was put to the vote. There were 4 votes for the proposal, 6 votes against the proposal and 3 abstentions. The Vote was not carried.

Councillor Andy Goodwin proposed that the application be approved in line with Officer's recommendations and to include a condition for permitted development rights restrictions.

This was seconded by Councillor Andrew Prosser, was put to the vote. There were 7 votes for the proposal, 4 against the proposal and 2 abstentions. The vote was carried.

The Sub-Committee **Resolved** to:

1. Approve the application in line with Officer's recommendations, with an additional condition on permitted development rights.

75

23/02404/FUL Land Known as the Ashbed, Ladburn Lane, Shilton

Clare Anscombe, Senior Planning Officer, introduced the application for the erection of 3 detached dwellings and cart-lodge style garages, the formation of a vehicle access, and associated works (amended plans).

Sarah Colson, the applicant addressed the Sub-Committee and clarified the following points regarding the need for chimneys when the application stated air sourced heat pumps were to be installed. The chimneys were for aesthetics of the design. The felling of Ash trees had been the result of Ash Die Back on advice of the Forestry Commission in 2018 and 2023. There had been a 176% increase in the replanting of trees and shrubs.

The Planning Officer drew the Sub-Committee's attention to the following points;

- The application had to be considered under the West Oxfordshire Local Plan and the Shilton Neighbourhood Plan.
- The application was contrary to policies T1 and T3 for sustainable transport. There would be a heavy reliance on the private motor car as the bus stop on the B4020 is not safely accessible and lies on an unpaved section of road. There are limited facilities within close proximity of the site including no pharmacy, shop or school.
- The increase in development to the site would result in harm to the village by adding to the soft edge of the village and the erosion of the rural setting. There would be a loss of woodland and woodland habitats resulting in a detrimental impact on conservation within the area.
- The compensatory planting of trees and shrubs was at a different site and of no benefit to the development area.
- There were no objections from OCC Highways, Thames Water however the Ecology and Drainage Officers had both asked for conditions to be included.

The Chair then invited the Sub-Committee to discuss the application, which raised the following points:

- The Sub-Committee asked about the definition of self-build housing. Abby Fettes confirmed that the definition of self-build housing had recently changed and that the dwellings were considered to be self-builds.
- The Sub-Committee raised concerns regarding the conservation and protection of woodland areas, the impact on the edge of the village, and the re-planting of shrubs and trees.
- The Sub-Committee raised concerns about the possible extension to the village of Shilton and how this would impact the village itself. There was concern about the lack of amenities.

Councillor Nick Leverton proposed that the application be refused in line with Officer's recommendations.

This was seconded by Councillor Dan Levy, was put to the vote. There were 11 votes in for the proposal, no votes against the proposal and 2 abstentions. The Vote was carried.

The Sub-Committee **Resolved** to:

- I. Refuse the application in line with the Officer's recommendations.

76 Applications Determined under Delegated Powers

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

Page 70; Item 3; 23/01778/FUL North Leigh.

Councillor Harry St John raised a query relating change of use of car park to serve Eynsham Hall, and whether this was a permanent change. Elloise Street, Planning Officer, confirmed that the use was until April 2024 and a temporary arrangement to assist with building works.

Page 74; Item 26; 23/02971/FUL Carterton South.

Councillor Michele Mead, confirmed that the hedgerow had been removed from this site.

Page 77; Item 45; 23/03182/HHD Alvescot and Filkins.

Councillor Dan Levy raised the point of being mindful when allowing permitted development that developments are not increased in size.

Page 81; Item 70; 23/03354/S73 Witney West.

Councillor Andrew Prosser asked for clarification on removal of condition 1 and variation of condition 4 and why the application had not come back to the Sub-Committee. The Development Manager advised that the answer would be sought from the Case Officer.

77 **Appeal Decisions**

There was no Appeals report to note.

The Meeting closed at 3.49 pm

CHAIR