

## 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, 11 October 2021**

### PRESENT

Councillors: Councillor Ted Fenton (Chairman), Councillor Joy Aitman (Vice-Chair), Councillor Maxine Crossland, Councillor Harry Eaglestone, Councillor Duncan Enright, Councillor Jeff Haine, Councillor Nick Leverton, Councillor Dan Levy, Councillor Michele Mead, Councillor Lysette Nicholls, Councillor Carl Rylett and Councillor Ben Woodruff

Officers: Miranda Clark (Senior Planner (Development Management)), Joan Desmond (Principal Planner), Esther Hill (Planner) and Kelly Murray (Senior Planning Officer) Amy Bridgewater-Carnall (Senior Democratic Services Officer) and Adrienne Frazer (Strategic Support Officer)

#### **26 Minutes of Previous Meeting**

The minutes of the meeting held on 13 September 2021 were approved and signed by the Chairman as a correct record.

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

Apologies for absence were received from Councillors Bolger, Good and Langridge. Councillor Mead substituted for Councillor St John.

#### **28 Declarations of Interest**

Declarations of Interest were received as follows:

Councillor Leverton declared an interest in application 21/01197/FUL Tactical Medical Wing RAF Brize Norton as he was the Armed Forces Champion for Oxfordshire and West Oxfordshire.

Councillors Aitman and Enright declared interests in 21/02718/HHD and 21/02718/LBC 35 - 37 Woodgreen Witney as they were both friends of the applicant and left the room during the consideration of these applications. Councillor Enright also declared an interest as he was the County Councillor for Witney North and East.

Councillor Levy declared an interest in a number of the applications as he was the County Councillor for Standlake and Aston.

Councillor Woodruff declared an interest in application 21/02099/FUL Land South Of Ferndale, Aston.

#### **29 Applications for Development**

The Sub-Committee received the report of the Business Manager – Development Management, giving details of the applications 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:-

21/01197/FUL      Tactical Medical Wing RAF Brize Norton

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The Senior Planner (Development Management), Miranda Clark, introduced the application for the installation of a new Primary Surveillance Radar on a new radar tower together with associated works and a new ground-based equipment cabin. She informed the meeting that an additional ten letters of objection had been received and noted that the Parish Council had sent information to members of the Committee.

Public submissions were received from Mr Artus in objection to the application; Mr P Squire representing Brize Norton Parish Council in objection to the application and Councillor A Postan, the local Ward Member, in objection to the application. Public submissions were also received from Mr C Flanagan representing Black Box Planning in support of the application.

Mr Artus advised the meeting that a local farmer had been asked for access to his land in order to be able to lop the trees. This was despite people having been informed that the trees would remain in order to shield the view of the tower.

Mr Squire proposed an alternative site, not currently owned by the Ministry of Defence (MoD).

Councillor Postan advised the committee that the majority of residents objected to the application. He provided a comparison of the costs of land compared to military flights. He noted that the site is directly adjacent to the important Brize Norton Country Park which forms a green arc around north east and west boundaries of Carterton and that the rotating aerial would create a constant and inappropriate nuisance from the noise and light flicker while in operation. He then listed sections of the Local Plan that he felt the application did not meet. They are as follows:

**3.3:54.**

Core objective 3.3.5

“protecting and enhancing our environment”

**CO11**

“Maximise the opportunity for walking cycling and use of public transport”

**CO14.**

“Concern and enhance the high environmental quality of West Oxfordshire

Protection and promotion of its diverse landscape biodiversity geological conservation and its local cultural heritage and environmental aspects.”

Mr Flanagan explained that RAF Brize Norton was the principal MoD airbase in the UK and that any third party land acquisitions would fail the compulsory purchase tests.

Councillor Crossland asked Mr Flanagan to elaborate further on the issue around compulsory purchase. Mr Flanagan explained that the tests to allow compulsory purchase would fail because the MoD already owned land which provided a suitable site for the new Primary Surveillance Radar.

Following a question from Councillor Fenton, Mr Flanagan said that the owner of the land for an alternative site had not been approached as they would be unlikely to sell the land at agricultural land prices. Councillor Rylett asked how the other proposed site did not meet MoD’s requirements? Mr Flanagan said that the officer’s report -section 3 explained this thoroughly.

The Senior Planner (Development Management) then presented her report containing a recommendation of approval. She advised that this application requires planning permission because of the height of the mast. She noted that the agent confirmed that trees will not be lopped and that the Ecology Officer was happy with the application but had suggested additional conditions to ensure that the bats, birds, badgers, hedgehogs, reptiles and amphibians were protected.

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Councillor Woodruff sympathised with local residents but felt that the MoD needed the most up to date infrastructure and proposed that the application be granted as per officer's recommendation.

This was seconded by Councillor Haine who stated that the other possible sites were not on MoD land and the visual impact will be got used to over time. He commented that the officer's report in the application was good and detailed.

Councillor Crossland disagreed and said that no substantial effort had been made to purchase other land and it is not possible to put a price on the safety or health of the public.

The Chairman noted that the Committee could not judge an application on the possibility of other sites but only on this application's details. Councillor Enright supported the Chair and said that the Committee had to consider the application on its planning merits.

Councillor Haine added that towers such as this need 24 hour protection which would not be possible without the mast being sited on MoD land.

Councillor Rylett asked about how this application compared with the application for a mast in Eynsham earlier this year. Councillor Fenton advised that that application in Eynsham was to consider a communications mast rather than an MoD mast and the legislation was different.

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

### Approved

#### 21/01497/FUL            The Bell Inn 21 High Street

The Senior Planner (Development Management), Miranda Clark, introduced the application for the conversion of former pub into 4 bedroom dwelling and erection of two new 5 bedroom dwellings and carport to the rear with associated landscaping and parking areas.

A public submission was received from Mr H Mellor representing the applicant in which he stated that planning policy allows development in the case of an application that includes the loss of a public house where it is not the last such facility in a village.

Following a question from Councillor Levy asking in what way the applicant had attempted to restore the site to its use as a pub / restaurant, Mr Mellor informed the Committee that the pub closed in 2015 following a fire and the necessary proceeds had not been received from the insurance for the applicant to be in a position to restore the site to its former use.

The Senior Planner (Development Management) then presented her report containing a recommendation of approval. She advised that the planned orchard will restrict further development of the site at the rear. The officer confirmed that the properties were to be built to sustainable standards and that the parking provided met Oxfordshire County Council parking standards.

Councillor Enright suggested that the volume of cars was likely to reduce over time and proposed that the application be granted as per officers' recommendation. This was seconded by Councillor Haine who stated that the two houses to the rear were easily accommodated on the site.

Councillor Levy informed the Committee that he would not be supporting the application because: there was no evidence that an attempt had been made to provide a pub on the site; or to assess the market for a viable pub on the site; the pub that was formerly on the site was viable and so the Local Plan policy E5 was not met; and that the site being in the midst of a

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green space and now being built upon would result in further development in this green area in the village.

Councillors Crossland and Woodruff were happy to support the application since the site had been empty since 2015.

Councillor Nicholls supported Councillor Levy and was also concerned about the lack of input from Thames Water.

Councillor Fenton suggested a site visit but the Committee felt this to be unnecessary.

Having heard the above discussion Councillor Enright withdrew his proposal.

Councillor Haine proposed the officers' recommendation of approval and Councillor Woodruff seconded the proposal.

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

### Approved

#### 21/01812/FUL            The Stone Barn High Street

The Senior Planner (Development Management), Miranda Clark, introduced the application for conversion of three linked agricultural buildings into one five bedroomed dwelling. A public submission was received from Mr Gower the applicant.

Following a question from Councillor Leverton, Mr Gower agreed that the access to Abingdon Road would be maintained and that this would be written into the contract. He advised the Committee that, if he remembered rightly, the responsibility for the access to Abingdon Road was held by Manor Farm House.

Councillor Nicholls asked about the sewerage connection. Mr Gower advised that the development will be connected into mains sewerage.

The Senior Planner (Development Management) then presented her report containing a recommendation of approval. She advised that the Planning Department were still awaiting the ecology reports and asked for delegated authority from the Committee to proceed with their recommendation once the reports were received.

Councillor Enright agreed with the officer's recommendation that the application be approved subject to the conditions detailed in the ecology report and proposed that permission be granted. This was seconded by Councillor Leverton and the vote was carried.

### Approved

#### 21/01992/FUL            6 The Paddocks Weald Street

The Senior Planning Officer, Kelly Murray, introduced the application for the erection of an ancillary dayroom and presented her report containing a recommendation of approval.

Councillor Fenton noted that this site is in his Ward. As Chairman he advised the Committee that the application could only be considered as it was and that the Parish Council's objection about this being a unit of self-contained accommodation could not be considered because no self-contained accommodation was proposed in the application.

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Councillor Leverton asked whether since a proper structure was being built would this set a precedent for future development. The Senior Planning Officer responded advising that no precedent would be set, the proposal is not to remove a caravan and replace it with a home.

Councillor Enright stated that as there was no visual intrusion and the application was for the same construction as others on the site, he proposed that the application be granted as per officers' recommendations. This was seconded by Councillor Woodruff.

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

### **Approved**

Councillor Woodruff left the meeting.

#### 21/02099/FUL Land South Of Ferndale Back Lane

The Planner, Esther Hill, introduced the application for the erection of a detached dwelling, carport/garage and workshop with home office above and associated works.

A public submission was received by Mrs L Wain, the applicant.

The Planner then presented her report containing a recommendation of refusal. Following a question from Councillor Crossland, she advised that the site contributes to the openness of Aston Conservation Area and this is why the application is not a logical compliment to the building north of it. She confirmed that the Conservation Area takes precedent.

Councillor Haine agreed with the officers' recommendation that the application be refused. He appreciated what the applicant was trying to do but felt this was not the right site. He noted that the Committee had already refused a similar application 75 metres away and had won an appeal on that decision. He felt there was no option but to refuse the application.

This was seconded by Councillor Leverton who stated that the site visit had been helpful and thanked the Planner. He had seen on the site visit that the 200 year old field and site of the church needed protecting and the application was an intrusion into a valuable open space.

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

### **Refused**

#### 21/02210/FUL Unit 1-5 Avenue Two

The Senior Planner (Development Management), Miranda Clark, introduced the application for the demolition of existing Unit 4 and change of use from general industrial use (Class B2) to builders merchant (sui generis) for the display, sale and storage of building, timber and plumbing supplies, storage and distribution of kitchen joinery products, plant and tool hire, including outside display and storage including storage racking; formation of external materials storage and loading area, access and servicing arrangements, car parking, landscaping and associated works.

A public submission was received by Councillor Andrew Prosser on behalf of Witney Town Council in objection to the application informing the Committee that the site is on an Active Travel route which is also a route to Ducklington and requested that the east / west section of

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Avenue Two is used for access by HGV traffic thus reducing the risk to cyclists and pedestrians using the north / south section of the road.

Councillor Levy advised the Committee that he is cycle champion for the District. He noted that he and Councillor Prosser had been in discussion with the Town Council and County Council Highways Department.

Councillor Leverton asked about the number of road traffic incidents during the time the site was last in use. Councillor Prosser advised that the issue is the change of entrance to the north / south section of Avenue Two in this application so the data on past incidents would not provide information relevant to this application as access was via the east / west section at that time.

A public submission was also received by Mr Alsop on behalf of the applicant. He informed the Committee that the problem with the site is the limited size of the yard in respect to the size of the built area; that planning permission was already granted for an entrance on the north / south section of Avenue Two and had suggested to the Highways Department that the concerns about cyclists safety could be addressed with parking restrictions on the relevant section of Avenue Two.

Following a question from Councillor Enright about managing the traffic, Mr Alsop advised that an application for a Traffic Regulation Order (TRO) was progressing which might provide double yellow lines to the section of Avenue Two in order to improve visibility and safety.

The Senior Planner (Development Management) then presented her report containing a recommendation of approval.

Councillor Levy commented that cyclist safety had been ignored and proposed a site visit. This was seconded by Councillor Rylett.

Councillor Enright informed the meeting that he had talked to the Highways team at Oxfordshire County Council (OCC) about this site. He explained that everything indicated that this was an industrial site, even though it was also used as an access route to Ducklington lake. He acknowledged that the only reason that this has not been a problem recently was because the site had been vacant. Councillor Enright advised that there is no planning basis on which to restrict the HGV access to the site as only possible from the north; that it is not in Highways power to stop HGV access from the east / west. He suggested that it perhaps it would be possible to encourage the new owner to mitigate the safety issues via their public liaison and community engagement work.

Councillor Fenton reminded Members that Highways issues were not in the Committee's remit. He indicated that a site visit needed to provide an opportunity to look at an issue that it was the Committee's remit to consider.

Councillor Mead noted that there were two other access routes to Ducklington lake.

Councillor Haine stated that the Council should support businesses to grow. He felt that since the Committee did not have a remit over Highways decisions, a site visit was not relevant.

Having been put to the vote the proposal to hold a site visit was lost.

Councillor Haine proposed that the application be granted as per officers' recommendation. This was seconded by Councillor Leverton. The officers' recommendation of approval was then put to the vote and was carried.

**Approved**

21/02321/HHD and 21/02322/LBC The Deanery Church Close

The Senior Planning Officer, Kelly Murray, introduced the retrospective application, for the replacement of existing vehicular and pedestrian entrance gates to The Deanery.

A public submission was received by Mrs Armitage, the applicant, who stated that the gates were in disrepair when they moved into the property.

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

Councillor Enright agreed with the officers' recommendation that the application be approved and proposed that permission be granted. He noted that there was no single style of gate in Bampton and that the new gates would weather in. This was seconded by Councillor Levy who commented that the gates looked elegant during the site visit.

The officers' recommendations of approval for both applications were both put to the vote and both were carried.

**Approved**

21/02718/HHD and 21/02719/LBC 35 - 37 Woodgreen Witney

The Principal Planner, Joan Desmond, introduced the application for a single storey rear extension.

Public submissions were received from Councillor Prosser, the Ward Councillor, and Katy Lysley, the applicant. Councillor Prosser stated his support for the application as he considered that the development did not affect the visual appearance of the property from the road. Ms Lysley then stated that it was clear that the extension was secondary to the original building; that the Grade II listing was in relation to the front of the property; that the neighbours supported the application and that the application would not alter the original property.

The Principal Planner then presented her report containing a recommendation of refusal.

Councillor Haine felt that the extension was not subservient to the existing building and noted that the Committee had already, previously agreed an application for an extension of a suitable size for the property. He felt that the application should be refused for these reasons as per officers' recommendation.

Councillor Mead seconded the proposal.

Councillor Rylett agreed with the public submissions that the Grade II listing was in relation to the front of the property and was not convinced that this extension was doing damage to the property. He would not support the refusal of the application.

Councillor Levy felt undecided as he felt the application would not substantially change a listed building and the change would not be visible from the road.

The Principal Planner clarified the planning term "less substantial harm". She clarified the legal duty to protect the historic character and appearance of listed buildings and noted that any minor public benefit was met by the first application, which was already approved, and this second proposal would not add to this.

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The officers' recommendations of refusal of both applications were then put to the vote and both were carried.

### **Refused**

#### **30 Applications Determined under Delegated Powers and Appeal Decisions**

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

The Principal Planner outlined the Appeal Decisions report. It was noted that both appeals had been dismissed.

The Meeting closed at 4.43 pm

CHAIRMAN