

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 **Wednesday, 5 January 2022**

PRESENT

Councillors: Councillor Ted Fenton (Chairman), Councillor Joy Aitman (Vice-Chair), Councillor Maxine Crossland, Councillor Harry Eaglestone, Councillor Duncan Enright, Councillor Andy Goodwin, Councillor Jeff Haine, Councillor Richard Langridge, Councillor Martin McBride, Councillor Michele Mead, Councillor Lysette Nicholls, Councillor Harry St John and Councillor Ben Woodruff

Officers: David Ditchett (Senior Planner), Abby Fettes (Interim Development Manager) and Elloise Street (Planner)

42 Minutes of Previous Meeting

The minutes of the meeting held on 6 December 2021 were approved and signed by the Chairman as a correct record.

43 Apologies for Absence

Apologies for absence were received from Councillors Rylett and Bolger.

Councillor Goodwin substituted for Councillor Levy.

Councillor McBride substituted for Councillor Leverton.

Councillor Mead substituted for Councillor Good.

44 Declarations of Interest

There were no declarations of interest received.

45 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:-

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

The Planning Officer, Abby Fettes, introduced the application for the erection of four 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 proposed units nine and ten were too high and their distance from the residential properties needed to be increased. He added that the boundary between the industrial and residential land had not been adequately protected, that the landscaping was grass and provided no protection from the commercial buildings. He informed the committee that policies OS2, OS3, OS4 and EH4, 6 and 8 all provided valid reasons for refusal of the application.

A public submission was also received from James Hicks representing the applicant. He informed the Committee that the boundary strip had been increased in liaison with officers.

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He acknowledged that the proposed use differed from those initially permitted, in order to provide more varied employment. Mr Hicks suggested that the conditions placed on the first phase of the development were copied onto this phase and was happy to agree to extend the acoustic fencing as requested.

Councillor Doughty, as Ward Member, spoke in support of local residents. She had visited the site and Mr Edward Hughes' house and concurred about the height of the buildings being too high. She stated her strong support for the resident's at Windrush Place's objections.

The Planning Officer then presented her report containing a recommendation of provisional approval. She advised that the buildings would not be overshadowing the residential area as they were to the north of that area. She advised that officers believed that the amendments agreed made the application acceptable. Following a discussion with the Environmental Health Department (EH), provided in the additional representations report, the officer noted that they had no objections but had proposed a new condition. The officer requested delegated powers to the officers, Chairman and Legal Services for the conditions on the application and for completing the negotiations of a unilateral undertaking with regards the funding for a footpath.

Councillor Goodwin asked for clarification on the distance of the units from Mr Edward Hughes' house. The officer confirmed that this was 20 metres.

Councillor Fenton requested confirmation that the boundary strip was to be planted with trees and hedges. The officer confirmed this, stating that liaison was ongoing with the Tree Officer.

Councillor Enright asked for clarification on how this application differed from the outline planning application. The officer stated that the difference was only in the use classification which had been extended from B1 to also include B2 and B8.

Councillor Langridge suggested that this was a difficult decision in that it was important to support businesses but also to consider residents. He felt the units were too high, too close to the residential area and would dominate it, resulting in a negative impact on the residents. He noted that the residents had understood that the site would be built for offices only and this application was significantly different to that.

Councillor Langridge, due to the overbearing nature of the development, proposed that the application be refused. Councillor Eaglestone seconded this proposal.

Councillor Goodwin agreed with Councillor Langridge and was also concerned about the width of the buildings. The officer advised that this size of building had been submitted because there was a market for this size of unit. She added that the Business Development Officer supported the application and the applicant who, he stated, knew their business.

Councillor Enright also felt this was a difficult decision and could not see how to refuse it in planning law.

Councillor Haine expressed his sympathy with the residents. He noted that the outline height of buildings was 15 meters and the highest unit proposed was only 12 meters. He also noted that the planned barrier strip would make a difference.

The officer advised that the planted strip was under the control of the consortium building on the site and the officers were negotiating for more evergreen planting and a maintenance management plan to be in place.

Councillor St John stated that the plan for the site indicated offices would be placed on the boundary with the residential area not warehouses. He felt that the issue was the height of the units and the impact of this as well as the all night lighting. He suggested that the whole

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plan needed re-thinking. The officer advised that this was a full application so it did not have to conform to the outline planning application.

Councillor McBride asked about the Town Council objection with regard to policy OS2 which stated that all development should "Be compatible with adjoining uses and not have a harmful impact of the amenity of existing occupants". The officer confirmed that this was correct.

Councillor Langridge stated that if this was an application on its own merits (and not part of the outline planning permission) then it could be refused as he had already indicated.

The Chair noted that in refusing, and therefore going back to the outline planning permission, it would be possible that the outcome could turn out worse.

Councillor Woodruff asked about conditions that could be applied to limit the activity on the site at night. The officer informed the committee that Environmental Health had suggested such a condition. She stated that it would also be possible to limit noise levels at all times with a condition. Councillor Woodruff felt that a number of issues were being left unresolved in the current application, as outlined in the preceding discussion.

The Chair advised that the application was for provisional approval with delegated decisions on the lighting, noise and buffer zone conditions being delegated to officers and the Chairman.

Councillor Haine noted Environmental Health's recommended in their proposed new condition that reversing beepers to be silenced at night and vehicles to be off loaded inside the warehouses. With these conditions in place he felt he could support the application.

Councillor Fenton raised the problem with the current light levels from the existing business area.

Councillor St John expressed his continuing concern about 24 hour operation on the site.

Councillor Crossland was concerned about the objections but with the height of the unit at nine metres and the vehicle access at the far side of the building with the buildings blocking both noise and light from the residential area, she felt on balance that she could support the application with conditions in place.

Councillor Enright asked for clarification that the units could be six metres taller in the outline application without the Council being able to object. The officer stated that the units' maximum height close to the residential area was set at twelve metres with a 15 metre maximum in other parts of the site.

Councillor Fenton asked that if office blocks were built and later a change of use applied for, could this give a similar end result to the application as it is now. The officer advised that special conditions would need to be added to manage such a situation.

Councillor Goodwin asked about required levels of parking for office blocks compared to industrial units. He also asked about how many office blocks were open 24 hours. The officer did not have details of parking requirements for office blocks but did note that the market was requiring less office space. She had no experience of offices being used throughout 24 hours.

Councillor Mead advised that the offices in Carterton were in 24 hour use.

Councillor Fenton noted that the market had changed since the pandemic and now required more distribution centres and fewer offices.

Councillor Haine stated his support for approval of the application and felt that the application had improved a lot through the work done on it. He noted that a different application could be worse.

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Councillor Langridge expressed his confidence in the officers in protecting the Council from worse applications.

Councillor Langridge's proposal that the application be refused was then put to the vote and was lost.

Councillor Crossland suggested that the officers' recommendation that the application be provisionally approved subject to the conditions detailed in the report and subject to legal agreement and conditions being placed in relation to: the buffer planted strip, Environmental Health's requirements and outside lighting restrictions to be negotiated by officers and delegated approval on these conditions to officers, the Chairman and if necessary to be returned to Lowlands Planning sub-Committee, and proposed that permission be granted.

This was seconded by Councillor Haine.

The officers' recommendation of provisional approval was then put to the vote and was carried with the following voting:

Approve 8

Against approval 3 – Councillors Langridge, Eaglestone and Goodwin

Abstained 1 – Councillor St John

Approved (provisional)

21/01565/FUL 35 Taphouse Avenue Witney

The Planning Officer, David Ditchett, introduced the partially retrospective application for the sub-division of the dwelling to form a house of multiple occupation and a self-contained studio flat and associated works and presented his report containing a recommendation of approval.

Following questions from Councillor Fenton the officer explained that the applicant was not aware that planning permission was required which was why the application for change of use to a House in Multiple Occupation (HMO) and creation of self-contained studio flat was retrospective. The section of the application for conversion of the outbuilding to residential use was not retrospective as the annex was not currently in use as additional living accommodation. However, was included with the rest of the application because although the annex was proposed as self-contained accommodation, it would share pedestrian access and garden space with the rest of the property and as such officers considered it to be an annex, which also required planning permission.

Councillor Langridge proposed that the application be refused contrary to officers' recommendation. He stated that he agreed with the Town Council's objections that this was over development with a lack of amenity; out of character for the area and would have a detrimental impact on the neighbours.

This was seconded by Councillor Enright who stated that he agreed with Councillor Langridge and the Town Council that this development was inappropriate in this location. He acknowledged that this was a difficult application for officers due to its partial retrospective nature.

Councillor St John asked about HMO licence regulations, stating that this was a massive over development. He supported Councillor Langridge's view. The officer informed the Committee that the application, if approved, created an increase in the occupancy from seven to nine people which would require a new HMO licence to be applied for.

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Councillor Goodwin asked whether the application met minimum internal space standards. The officer informed the Committee that the development of the annex / outbuilding would meet the standard required for one person but not for a couple to occupy it. However, the studio flat proposed within the house did not meet the national space standards for one person. He noted that the national space standards were not listed in the Local Plan but could be seen as being included in OS2 which required a high standard of amenity.

Councillor Crossland stated that she supported Councillors Langridge and Enright, that the development was overly intense and that there could be a negative impact on many neighbouring gardens.

Councillor McBride asked about objections from neighbours to the application. The officer confirmed that no objections had been received from neighbours.

Councillor Haine noted that HMOs provided a needed form of accommodation and that any noise nuisance was within the remit of the Environmental Health Department. He felt that, since there was no evidence of nuisance to the neighbours, he could support the application.

Councillor Woodruff questioned whether the applicant would be granted a new HMO licence. The officer stated that he was not an expert in HMO licensing but expected that the license would be granted based on the minimum roof size requirements for the HMO licence regime.

Councillor Nicholls questioned the safety of the rear staircase. The officer agreed that the staircase may need to be made more safe, perhaps with a handrail, however this was a building control issue.

The proposal that the application be refused contrary to officers' recommendation was then put to the vote and was carried.

Refused

21/03565/HHD - 81A Newland Witney

The Planning Officer, Elloise Street, introduced the application for a single storey side extension and porch with provision of new solar panels to the front elevation and presented her report containing a recommendation of approval. She advised that the applicant was a Council Member.

Councillor Enright declared an interest as he lived in Newland and was friends with the applicant. He left the meeting.

Councillor Langridge asked if the officer's recommendation would be the same if the applicant were not a Council Member. The officer responded saying yes their recommendation would be the same.

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

This was seconded by Councillor St John.

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

Approved

Councillor Enright returned to the meeting.

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

The Meeting closed at 3.17 pm

CHAIRMAN