

WEST OXFORDSHIRE DISTRICT COUNCIL

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

Held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB
at 2.00pm on **Monday 8 January 2024**

PRESENT

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

Officers: Phil Shaw (Business Manager - Development Management), Esther Hill (Planning Officer), Clare Anscombe (Senior Planning Officer), Rebekah Orris (Planning Officer), Elloise Street (Planning Officer), Max Thompson (Senior Democratic Services Officer), and Anne Learmonth (Democratic Services Officer).

Other Councillors in attendance: Nil.

47 Apologies for Absence

Apologies for absence were received from Councillor Dingwall.

Councillor Michele Mead substituted for Councillor Dingwall.

48 Declarations of Interest

Declarations of Interest were received as follows:

23/02849/FUL Land South West Of Chapel Lane.

Councillor Dan Levy stated he was a County Councillor for Eynsham and knew some of the objectors.

Councillor Lysette Nichol stated she was a District Councillor for Standlake.

23/02731/FUL The Coffee Shed, The Leys, Witney.

Councillor Rachel Crouch and the Chair, Councillor Michael Brooker stated they were councillors for Witney South. The Chair advised that he would not vote unless there was a split vote then he would cast the deciding vote.

49 Minutes of Previous Meeting

The minutes of the meeting held on Monday 4 December were amended to reflect a factual correction raised by Councillor Andrew Prosser regarding application number 23/01524/FUL. Councillor Prosser clarified that the cabling would run along the streets in his ward (Witney North).

Councillor Adrian Walsh proposed that the minutes of the previous meeting held on Monday 4 December 2023 be agreed with the amendment by the Sub-Committee as a true and accurate record and signed by the Chair.

This was seconded by Councillor Harry St. John, was put to the vote and was unanimously agreed by the Sub-Committee.

The Sub-Committee **Resolved** to:

- I. Agree the minutes of the previous meeting held on Monday 4 December 2023 as a true and accurate record.

50 Applications for Development

51 23/02849/FUL, Land South West Of Chapel Lane

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

The Planning Officer drew the Sub-Committees attention to the following points;

- The location of the site within the village and the access to the proposed dwelling.
- The site was divided into two, a single dwelling and a wildflower meadow / drainage field.
- There were constraints which included a single Tree Preservation Order and a Tree Preservation Order on a group of trees near the site. No work would be carried out near the trees.
- There were Grade II Listed Buildings to the East of the site and one to the North-East of the site.
- The site was located within flood zone 1.
- Alterations to improve the access including 25 metre visibility splay into the site, proposed parking for 2 cars and cycling parking and a turning area.
- New native hedge planting was proposed as well as a drainage field and two retaining walls on the East and West of the site.

Jenny MacDonald addressed the Sub-Committee on behalf of Standlake Parish Council. The Sub Committee asked for clarification on the following points;

- Two thirds of Wildflower land would have to be maintained and managed;
- The narrow entrance to the site of 3 metres which included an overhanging thatch on property;
- There were no passing places located on the road and vehicles often had to reverse to let on-coming vehicles pass by. These vehicles were for domestic use;
- At school drop-off and pick-up times there was a high volume of traffic;
- Swift Cottage, the first house on left hand side onto Chapel Lane, often floods and ground water was extremely high.

Paula Gaffney addressed the Sub-Committee as a local resident.

Neil Parry addressed the Sub-Committee as the Agent representing the applicant.

The Planning Officer continued with their presentation with attention to the following

- The dwelling would be built on undeveloped land within the village which was in accordance with policy H2 and OS2;
- Taken into consideration were design, heritage impact, highways, flood risk, residential amenities and ecology;
- The development compliments the surrounding areas and would use materials to reflect this. The site would not be harmful to the character and heritage of the surrounding area. The pattern of the development would be integrated;
- The site would include a wildflower meadow / drainage field which was covered by Section S106 agreement;
- The existing use is agriculture and as such has the potential to generate a similar number of vehicular movements, to that associated with a single dwelling. The area of drainage / wildflower meadow may or may not be maintained by others, but is unlikely to require frequent access to the area. Officers could therefore not demonstrate that

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the proposal, if permitted, would result in an unacceptable level of intensification of use that would warrant the refusal of the application;

- The site was located in flood zone 1. The concerns around ground water had been covered by additional information submitted very late in the application process, which included a flood report and a strategy, which had resulted in the Drainage Officer removing their objection. However, the application has high public interest with drainage being one of the main concerns raised. The Planning Officer therefore considered that it would be in the public interest and the interest of transparency, to allow for re-consultation with residents so they have the opportunity to view and comment on the additional drainage information which has been submitted;
- The Planning Officer's recommendation was to defer the application to enable the opportunity for re-consultation.

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

- How would the re-consultation change the objections that had been heard from the residents. The Planning Officer explained that this would give objectors the opportunity to look at the additional information and for their technical experts to be able to comment and potentially challenge the information provided;
- The Sub-Committee raised concerns about the highways, access, and parked vehicles at the access point of the site. Could the parking be enforced with double yellow lines. Could comments include that the lane is also used as a footpath. The Planning Officer agreed to request OCC Highways response to concerns raised;
- Would the drainage officer be consulted regarding the concerns over the ground water. The Planning Officer agreed to request a more in-depth comments regarding drainage and flooding;
- Would the wildflower field be covered by S106 agreement and be a binding agreement. The Planning Officer confirmed that the S106 agreement covered the use of the land and any change of use would need to be submitted to the Council.

Councillor Harry St. John proposed the application be deferred in line with the officer recommendations. This was seconded by Councillor Julian Cooper and was put to the vote. There were 11 votes in favour, 1 vote against and 1 abstention. The Vote was carried.

Councillor Lysette Nicholls proposed a site visit. This was seconded by Councillor Dan Levy, was put to the vote, and was agreed unanimously by the Sub-Committee.

The Sub-Committee **Resolved** to:

1. Defer the application, in line with officer's recommendations
2. Agree a site visit – Democratic Services would notify the Sub-Committee members of the date the application will come back to committee and organise the site visit at a suitable time near the committee date.
3. Officers agreed to request OCC Highways and Drainage officers attend the next meeting of the Sub-Committee/, and provide a bespoke response to concerns raised.

52 23/00539/FUL, The Crawley Inn, Foxburrow Lane

Clare Anscombe, Senior Planning Officer presented the application for the erection of 5 dwellings on the former car park together with the conversion of public house to provide 3 dwellings with associated parking, landscaping and works (amended plans).

The Planning Officer provided the history of the site, which had been subject to enforcement in the past. The site would also include a landscape buffer.

Andrew Pyrell addressed the Sub-Committee as the agent on behalf of the applicant and provided clarification regarding the minimum size of the bedrooms and width of the landscape buffer. Andrew Pyrell also clarified that the landscape buffer would be secured by condition.

The Planning Officer continued with their presentation, which clarified the following points:

- The essential need to re-use appropriate buildings, the site could not be used as a public house going forwards. There was already a suitable public house in Crawley, the Lamb Inn which was suitable for residents;
- The size and scale of the site complimented the surrounding character and heritage of the local village and was not at odds with the surrounding houses. The proposed materials would reflect the houses in the area;
- There would be no intensification of traffic and a passing place would be added subject to conditions;
- Roads and gardens are located in flood zone 3. No dwellings are proposed within flood zones 2 or 3;
- The site would be cleared of all camping and caravans, and this could be secured by way of Legal Agreement. The development of the site would help to prevent unlawful activity. A Legal Agreement could require that the pub conversion would be completed prior to the occupation of the new-build dwellings to secure the conversion and enhancement of the existing run-down pub;
- A proposed landscape and maintenance plan could be secured by condition which would provide sufficient biodiversity and landscape enhancements and protect existing planting to safeguard the character and appearance of the area;
- The harm does not outweigh the benefits of the scheme and the Planning Officer's recommendation was for approval of the application.

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

- The site did not have any affordable housing included in the application. The Planning Officer confirmed that the application had less than 10 dwellings so there was no requirement for affordable housing;
- Was the parking provision sufficient for the site and number of dwellings. The road to the site could be dangerous for pedestrians. The Planning Officer confirmed that Oxfordshire County Council had viewed the information for the parking and found that it met the technical standards. It was confirmed that there were 6 spaces for visitor parking;
- The Sub-Committee raised concerns regarding the frequency of public transport in the area. It was confirmed that the village is on 210 bus route for residents to access to travel to the nearest towns;

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- The caravans on the site were to be removed and new-build properties were not to be occupied before the conversion of the pub is completed. This could be secured by way of Legal Agreement.

Councillor Lysette Nicholls proposed that the application be approved, in line with officer recommendations. This was seconded by Councillor Adrian Walsh, was put to a vote, and was agreed unanimously by the Sub-Committee.

The Sub-Committee **Resolved** to:

- I. Approve the application subject to Legal Agreement.

53 **23/02476/FUL, 59 Barrington Close, Witney**

Elloise Street, Planning Officer introduced the application to change the use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension. (Part retrospect).

Paul Curran, addressed the Sub-Committee on behalf of the applicant which raised the following points of clarification surrounding the intended use of the extension. The agent confirmed that due to the age of the applicant the extension would be used as an accessible downstairs bedroom and bathroom. The render of the property was queried. The Planning Officer confirmed that the render was an error on the application.

The Planning Officer continued with their presentation, which clarified the following points:

- The application had been considered in full however the significant size of the proposed extension failed to form a logical complement in the location;
- The land the proposed application was to be built on was originally landscaped with trees and grass. This has since been removed and the land fenced off. This was shown by evidencing the 2008 Google Map records and 2023 records;
- The site was amenity land, however the agent for the applicant confirmed that amenity land is included in the title deeds. It was detailed that the original plans for the housing estate inferred that the land was designated as amenity space but was not secured by condition. There was no dispute regarding the ownership, just a dispute regarding the use of the land. The Applicants had also asked for pre-application advice regarding whether the fence required permission in the past in which they were advised it did;
- The application failed to comply with policies OS2 and OS4.

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

- The extension would have a flat roof and would not fit with the surrounding properties. Could the roof design be changed to a sloping roof. The agent confirmed that no change could be made. The Sub-Committee raised concerns over the design of the application;
- Concerns were raised over the amenity land and how the land would be maintained. The Planning Officer referred to the original 1980's plan and confirmed that the land would be looked after by the resident of the property but not develop it;
- The Planning Officer also advised that they would be willing to discuss the application further with the agent following pre-application advice post decision as it was

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important to make a timely decision considering the application had already been delayed due to queries regarding the land use.

Councillor Andrew Prosser proposed that the application be refused, in line with the officer recommendations. This was seconded by Councillor Nick Leverton and was put to the vote. There were 11 votes in favour, 0 votes against and 2 abstentions. The vote was carried.

The Sub-Committee **Resolved** to:

1. Refuse the application, in line with the officer recommendations.

54 23/02558/S73, Clover Court, Bushey Drive

Rebekah Orris, Planning Officer, introduced the application for variations of conditions 6 (fenestration changes), 7 (garage cladding above stone plinth with timber), 15 (soakaway location variation for Plot 4 garage, accessway drainage amendment), 16 (solar panels on plots 1, 2 and 3 and to the garage roof of plot 4, air source heat pumps, accessway routing changes, Plot 3 location change, Plot 4 garage location change, first floor layout alterations, side and rear elevation alterations for house designs 1 and 2), 11 (bird and bat box details), 12 (landscaping details), and 14 (lighting details) of planning permission 21/01963/RES. (Part retrospective). (Amended drainage and description).

A statement was read out by Max Thompson, Senior Democratic Services Officer in Councillor Alaric Smith's absence.

Councillor David Waghorn, of Clanfield Parish Council, addressed the Sub-Committee, which raised points of clarification of the retrospective application and how enforcement issues would be dealt with. Concerns were raised that this application could set a precedence as the site was already built as well as the provision for drainage on the site. The plot location changes, which the Planning Officer confirmed was a plot re-orientation not moved due to accessibility to the plot.

Rob Stewart, applicant, addressed the Sub-Committee, which raised the following points of clarification surrounding the retrospective element of the application. The applicant confirmed that legislation allowed change to the application as long as it complied with planning policy. There were no objections from the Drainage Officer and confirmed that the driveways would be gravelled to help with drainage.

The Planning Officer continued with their presentation which clarified the following points:

- The notable changes were to garages, dual pitched roof to match surrounding dwellings;
- The changes would be well incorporated into the site and set away from the village of Clanfield, and not visible from the village;
- The proposed solar panels that would be added to the garage roof would not protrude outwards and would only be visible from the property's garden;
- The first-floor windows in south elevation of plot 1 and the south-eastern elevation of plot 4 would not open and glazing would be obscured but would still allow opening;
- Wording of Condition 6 (first floor windows) would reflect the changes made;
- Drainage aspect of the application was not retrospect. The part of the accessway that was completed had been constructed to approved details. This application proposed to amend the accessway construction to the shared access of Bushey Drive only, these new details had been approved and there were no objections from the Drainage Officer.

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

- Clarification on drainage – the Planning Officer brought the Sub-Committee’s attention to the site map with the updated information which highlighted the amendments concerning the drainage;
- The Sub-Committee raised concerns that the Drainage Officer had made no objections to the application, and how would there be certainty that the conditions were being adhered to. Phil Shaw, the Development Manager, suggested that condition 14 be amended to advise that any issues regarding drainage be brought back to the Planning team.

Councillor Andy Goodwin proposed that the application be approved in line with officer recommendations, with the word ‘Solely’ in condition 14 added, with an understanding that any changes would need to be agreed prior to implementation.

This was seconded by Councillor Lysette Nicholls, was put to a vote, and was agreed unanimously by the Sub-Committee.

The Sub-Committee **Resolved** to:

1. Approve the application, in line with officer recommendation.
2. Amend Condition 14 -The surface water drainage scheme shall be *solely* implemented in accordance with the following approved details prior to the first use of the dwellings hereby approved and shall “*solely*” be retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority (LPA) prior to implementation. :
 - Drainage Strategy (Drawing BD13)
 - Surface Water Exceedance Flows (Drawing BD14)
 - Accessway Areas (Drainage) (Drawing BD15)
 - Accessway Area A Cross Section (Drainage) (Drawing BD16)
 - Accessway Area B Cross Section (Drainage) (Drawing BD17)

REASON: To ensure the proper provision for surface water drainage and to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

55 **23/02731/FUL, The Coffee Shed, The Leys, Witney.**

Elloise Street, Planning Officer, introduced the application for demolition of existing hub and erection of replacement hub and community facilities, installation of court lighting, creation of new pedestrian access, extension to existing car park, creation of changing and shower facilities from former depot facility and resurfacing of tennis courts to provide new tennis courts, MUGA and Padel courts and installation of canopies above Padel Courts together with associated works (amended parking plans).

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

- Clarification on disabled access to the car park as there would be a locked gate. The Planning Officer confirmed the gate would prevent unauthorised parking and the staff

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of the Coffee Shed would be responsible for allowing access to those who were permitted to use the car park;

- There was provision for cycle parking to the north of the site;
- Clarification on where the flood lights would have coverage and would this impact the neighbouring residents in Fernleigh. The Planning Officer confirmed that the flood lights would be positioned downwards. A canopy would offer some shelter to enable all year-round use;
- Queries were had regarding the Padel courts and why there was a need for a canopy. The Planning Officer advised the use of the Padel courts and explained so that they can be used all year round. Details of the materials are to be provided as part of a discharge of conditions application.

Councillor Andrew Prosser proposed the application be approved, in line with officer recommendations. This was seconded by Councillor Lysette Nicolls, was put to a vote and was agreed unanimously by the Sub Committee.

The Sub-Committee **Resolved** to:

- I. Approve the application, in line with officer recommendations.

56 Applications Determined under Delegated Powers and any appeal decisions

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

Councillor Dan Levy asked for clarification on page 98, item 26, 22/02137/HHD The Granary, Jericho Farm, Worton regarding the conditions being codified.

Phil Shaw, Business Manager, outlined the Appeal Decisions report and provided an update on the current position with each application.

APP/D3125/W/23/3328083 Land North of 48 Abingdon Road, Standlake, Oxfordshire, OX29 7QH. The erection of four dwellings with associated infrastructure and parking in an enclosed brownfield site. The Inspector dismissed the case as they agreed to the harm the site would have on the surrounding area.

APP/D3125/W/23/3315798 Fir Tree Farm, Main Road, Barnard Gate, Witney, OX29 6XE. The development proposed was a conversion of an agricultural barn to a dwelling house. The Inspector dismissed the appeal due to the conversion resulting in demolition and rebuilding the barn, not a conversion.

The Meeting closed at 4.45pm.

CHAIR