

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Lowlands Area Planning Sub-Committee**  
held via video conferencing at 2.00pm on **Monday 9 November 2020**

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Owen Collins, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good, Jeff Haine, Richard Langridge, Nick Leverton, Kieran Mullins and Harry St John.

Officers: Abby Fettes (Interim Locality Lead Officer Development Management), Miranda Clark, (Senior Planner, Development Management), Sarah Hegerty (Planner, Development Management); Stuart McIver (Career Grade Planner); Amy Bridgewater-Carnall (Senior Strategic Support Officer) and Ben Amor (Strategic Support Officer).

33. MINUTES

**RESOLVED:** That the minutes of the meeting of the Sub-Committee held on 12 October 2020, copies of which had been circulated, be approved as a correct record and signed by the Chairman.

34. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence.

35. DECLARATIONS OF INTEREST

Councillor Ted Fenton disclosed an interest in application numbers 20/01893/FUL and 20/01894/LBC by virtue of his previous long-term employment by Cokethorpe School; and Councillor Nick Leverton disclosed an interest in application number 20/02273/HHD by virtue of being related to the applicant.

Councillors Ted Fenton and Leverton confirmed that they would leave the meeting during the consideration of these applications.

36. 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 or conditions related to a permission to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

(i) **19/03478/FUL – Lords Farm, 2 Queen Street, Eynsham**

The Planning Officer, Mr Stuart McIver introduced the application.

This application was taken in conjunction with the following item 19/03479/LBC, which dealt with the Listed Building Consent for the site.

Ms Debbie Dance addressed the meeting on behalf of the applicant, Oxford Preservation Trust. A summary of her submission is attached as Appendix A to the original copy of these minutes.

Information contained in the follow on report advised that amended plans had been received on 22 October 2020 and had been uploaded to the Council's website. An additional condition was proposed regarding the treatment of timbers along with three additional conditions and an informative from the Biodiversity officer relating to bats, birds and external lighting.

The Planning Officer then presented his report containing a recommendation of approval. He advised that Conservation Officer had been consulted as part of the process and outlined the reasons that officers felt the principle of development was acceptable. It was noted that the Parish Council had submitted a detailed objection.

Councillor Rylett addressed Members and reminded them that the Council had a duty of care to Listed Buildings. He raised a number of concerns regarding parking, the location of the site near a junction and the potential for the building to be used for community purposes in the future. Due to the level of concern regarding the impact on the listed building, he proposed that the application be deferred to allow for a video of the interior and rear of the property to be taken, in lieu of a site visit.

In response to the issues raised, the Mrs Fettes reminded the Committee that the Conservation Officer had been consulted and no technical objection had been received from County Highways. In addition, any potential future use of the building was not a consideration as Members had a duty to consider the proposal in front of them.

Councillor Langridge felt that there was a need to preserve buildings for future use and was a 'light touch' and sensitive application. He therefore proposed that the application be granted as per officer's recommendations. This was seconded by Councillor Haine.

It was noted that there was already a proposal on the table, however, having failed to find a seconder, the proposal fell.

A number of Members concurred with the view put forward by Councillor Langridge and it was noted that application accorded with Local Plan policies E3 and H2. Officers highlighted the information contained in the addendum.

The Officer recommendation of approval was then put to the vote and was carried subject to the additional conditions and informative listed below:

Approved

9. Prior to any works taking place, the Local Planning Authority will require a full survey of the existing historic timbers, undertaken by a suitably qualified structural engineer, and a schedule of works for any insect / fungal treatment of timbers. This shall be reviewed and approved in writing by the Local Planning Authority before work commences.
10. The development shall be completed in accordance with the recommendations in Section 4 of the Bat Survey report, dated 28<sup>th</sup> September 2020, prepared by GS Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant

European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

REASON: To ensure that the bats and birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

11. Before occupation, details of the provision of nesting opportunities for birds (e.g. 1 no. house sparrow terrace, 3 no. starling boxes and 2 no. 'small nest boxes' on the north or east-facing elevations) mounted onto the walls of the buildings shall be submitted to the local planning authority for approval. The details shall include the specific designs of the nesting features to be implemented, alongside the approved architectural plans (drawing no. P.1354\_084, P.1354\_085 and P.1354\_086) and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

12. Before occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts and that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect roosting, foraging and commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

### **Informative**

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

Where the presence of roosting bats have been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

**(ii) 19/03479/LBC – Lords Farm, 2 Queen Street, Eynsham**

The Planning Officer, Mr Stuart McIver introduced the application.

This application was taken in conjunction with the previous item 19/03478/FUL, which dealt with the planning permission for the site.

Ms Debbie Dance addressed the meeting on behalf of the applicant, Oxford Preservation Trust. A summary of her submission is attached as Appendix A to the original copy of these minutes.

Information contained in the follow on report advised that amended plans had been received on 22 October 2020 and had been uploaded to the Council's website. An additional condition was proposed regarding the treatment of timbers along with three additional conditions and an informative from the Biodiversity officer relating to bats, birds and external lighting.

The questions, comments and debate detailed above included this application in their consideration.

Councillor Langridge reiterated his support for the application and proposed that the application be granted as per officer's recommendations. This was seconded by Councillor Haine.

The Officer recommendation of approval was then put to the vote and was carried subject to the additional conditions and informative listed below:

Approved

13. Prior to any works taking place, the Local Planning Authority will require a full survey of the existing historic timbers, undertaken by a suitably qualified structural engineer, and a schedule of works for any insect / fungal treatment of timbers. This shall be reviewed and approved in writing by the Local Planning Authority before work commences.
14. The development shall be completed in accordance with the recommendations in Section 4 of the Bat Survey report, dated 28<sup>th</sup> September 2020, prepared by GS Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

REASON: To ensure that the bats and birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

15. Before occupation, details of the provision of nesting opportunities for birds (e.g. 1 no. house sparrow terrace, 3 no. starling boxes and 2 no. 'small nest boxes' on the north or east-facing elevations) mounted onto the walls of the buildings shall be submitted to the local planning authority for approval. The details shall include the specific designs of the nesting features to be implemented, alongside the approved architectural plans (drawing no. P.1354\_084, P.1354\_085 and P.1354\_086) and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

16. Before occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts and that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect roosting, foraging and commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan

2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

### **Informative**

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

Where the presence of roosting bats have been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

### **(iii) 20/01893/FUL – Cokethorpe School, Cokethorpe Park, Ducklington**

In accordance with his earlier disclosure of interest, Councillor Ted Fenton left the meeting during the consideration of this and the following application, and the Vice Chairman, Councillor Carl Rylett, took the Chair for that period.

The Planning Officer, Mrs Miranda Clark introduced the application and explained that the application was before Committee because the Chairman had previously been employed by Cokethorpe School. She went on to explain that an objection had been received in the last few days from Historic England and, as a result, officers were minded to request deferral of the application because the agent had not had time to consider the objections or liaise with Historic England.

This application was taken in conjunction with the following item 20/01894/LBC, which dealt with the Listed Building Consent for the site.

Councillor Enright addressed Members and stated that although this was unexpected it appeared to be the most sensible approach. He therefore proposed that the application be deferred as per officer's request. This was seconded by Councillor Crossland.

The Officer recommendation of deferral was then put to the vote and was carried.

Deferred

**(iv) 20/01894/LBC – Cokethorpe School, Cokethorpe Park, Ducklington**

In accordance with his earlier disclosure of interest, Councillor Ted Fenton left the meeting during the consideration of this and the following application, and the Vice Chairman, Councillor Carl Rylett, took the Chair for that period.

The Planning Officer, Mrs Miranda Clark introduced the application and explained that the application was before Committee because the Chairman had previously been employed by Cokethorpe School. She went on to explain that an objection had been received in the last few days from Historic England and, as a result, officers were minded to request deferral of the application because the agent had not had time to consider the objections or liaise with Historic England.

This application was taken in conjunction with the following item 20/01894/LBC, which dealt with the Listed Building Consent for the site.

Councillor Enright addressed Members and stated that although this was unexpected it appeared to be the most sensible approach. He therefore proposed that the application be deferred as per officer's request. This was seconded by Councillor Crossland.

The Officer recommendation of deferral was then put to the vote and was carried.

Deferred

(Councillor Fenton re-entered the meeting and resumed the Chair)

**(v) 20/02153/S73 – Land East Of 90 High Street, Standlake**

The Planning Officer, Mrs Miranda Clark introduced the application and advised that the report contained a recommendation of refusal. She reminded Members that this site had been considered at a recent Planning meeting and the Committee had taken the decision to remove permitted development rights.

The applicant, Ms Georgina Crumlish addressed Members in support of the application and a copy of her submission is attached as Appendix B to the original copy of these minutes.

Councillor Leverton advised that he remembered the application from the last consideration and supported the officers' report. He proposed that the application be refused as per officers' recommendations.

This was seconded by Councillor Haine who felt that officers were correct and it was regular process to remove permitted development rights in these circumstances.

A number of Members noted that neither the Parish Council nor neighbours had commented and highlighted the varied character along High Street. A recent appeal relating to a property at 131 Abingdon Road was discussed and it was suggested that it was difficult to see that this request would cause substantial harm.

In response, Mrs Clark explained that officers did consider the property at Abingdon Road to be different in character and therefore did not feel the comparison was acceptable.

Councillor Good queried what changes would be possible to the property under permitted development rights. Officers advised that a number of outbuildings could be constructed to areas excluding the front of the site, plus extensions to the rear and alterations such as dormer windows. Members were reminded that this decision would not stop any changes being made but planning permission would need to be applied for to ensure officers could manage and maintain the character of the area.

The Chairman clarified that this decision did not mean “no further development” but would retain the removal of permitted development rights.

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

Refused

**(vi) 20/02273/HHD – 123 Queens Road, Carterton**

In accordance with his earlier disclosure of interest, Councillor Nick Leverton left the meeting during the consideration of this application.

The Planning Officer, Ms Sarah Hegerty introduced the application and explained that the application was before Committee because the applicant was related to District Councillor Nick Leverton.

The Planning Officer presented her report containing a recommendation of approval and guided Members through images of the site and proposed development.

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

Councillor Enright clarified that the application would have been approved under delegated powers if the applicant was not related to a District Councillor. Officers confirmed that it would. Councillor Enright therefore seconded the proposal to approve.

Following a query from Councillor St John, officers clarified the location of the roof lights on the rear extension.

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

Approved

**37. APPLICATIONS DETERMINED UNDER DELEGATED POWERS, APPLICATIONS WITHDRAWN, AND APPEAL DECISIONS**

The report giving details of (i) applications determined under delegated powers or withdrawn; and (ii) appeal decisions, was received and noted.

Councillor Eaglestone raised a concern that the local councillor had not been informed of application 20/01772/RES on page three of the report. Officers explained that if the outline application had been approved, and the principle of development agreed, the reserved matters application did not have to come to Committee for approval. It was, however, in the Committee’s gift to request that a reserved matters application be submitted to them if they wished.



Following a further query from Councillor Eaglestone, officers clarified the purpose of a Certificate of Lawfulness.

Ms Clark outlined the two appeal decisions detailed in the report and, following a question from Councillor Enright, confirmed that enforcement action would now be taken on application 20/00195/HHD.

The meeting closed at 3.07 pm.

CHAIRMAN