

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Uplands Area Planning Sub-Committee** held via video conferencing at 2.00pm on **Monday 6 July 2020**

PRESENT

Councillors: Jeff Haine (Chairman), Geoff Saul (Vice-Chairman), Andrew Beaney, Richard Bishop, Mike Cahill, Nathalie Chapple, Nigel Colston, Derek Cotterill, Merilyn Davies, Ted Fenton (ex officio non-voting), Andy Graham, David Jackson, Neil Owen and Alex Postan.

Officers: Joan Desmond (Principal Planner), Stephanie Eldridge (Senior Planning Officer), Keith Butler (Head of Democratic Services) and Amy Barnes (Strategic Support Officer).

6. MINUTES

Councillor Haine advised that paragraph five on page nine of the minutes should be amended to read 'Ballards Close'.

Councillor Colston did not feel that the minute relating to 20/00515/FUL Heythrop Hunt Kennels, fully reflected the comments he had made at the meeting. The Committee Services Officer agreed to check the notes and email suggested wording to Councillor Colston, in agreement with the Chairman.

Following the meeting, the following wording was supplied to Councillor Colston and agreed by the Chairman:

Councillor Colston felt that care should be taken with this application as he was not convinced that the site should be classed as open countryside. He referred to the setting of the Tweed Mill which he felt was some way away and the Worcester Road Industrial Estate. He highlighted that neither the Town Council nor the Highways department had raised objections. He did not feel there was a lot wrong with the application and raised the potential of the development providing employment for six months.

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 1 June 2020, copies of which had been circulated, be approved as a correct record and signed by the Chairman, subject to the changes detailed above.

7. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence and the following temporary appointment was reported:

Councillor Andy Graham for Councillor Julian Cooper.

8. DECLARATIONS OF INTEREST

Councillor Derek Cotterill advised the Sub-Committee that he was named as the applicant for application no. 20/00307/FUL relating to the car park at Guildenford, Burford and would withdraw from the meeting during its consideration.

9. APPLICATIONS FOR DEVELOPMENT

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

19/02468/LBC – 45 High Street, Burford

The Principal Planning Officer, Mrs Joan Desmond, introduced the application and reminded Members that this application related to Listed Building Consent and was linked to 19/02572/FUL which dealt with the Householder consent.

Mrs Desmond highlighted that the listed building consent related to internal and external alterations to install three ground floor, internal wall mounted, air conditioning units together with the replacement of a rear first floor bathroom window. The report contained a recommendation of approval and the Conservation Officer was content with the application.

Information contained in the follow on report advised that further comments had been received from the Local Member, Councillor Cotterill.

Councillor Cotterill reiterated his comments which referred mainly to the noise level of the air conditioning unit. However, he noted that there would be an acoustic enclosure in place and he was mindful that it was important to have adequate air circulation.

Councillor Cotterill proposed that the application be granted as per officers' recommendations and this was seconded by Councillor Postan.

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

Approved

19/02572/FUL – 45 High Street, Burford

The Principal Planning Officer, Mrs Joan Desmond, introduced the application and reminded Members that this application related to householder consent and was linked to the previous application 19/02468/LBC which had dealt with the listed building consent.

Mrs Desmond outlined the report and referred Members to the Environmental Health Officer's comments relating to the air conditioning unit, which it was proposed would be retained behind an acoustic mitigation housing enclosure to reduce noise.

Information contained in the follow on report advised that further comments had been received from the Local Member, Councillor Cotterill.

Councillor Cotterill queried if condition 4 of the report could be amended to refer to a maximum sound pressure level no higher than 36dBA rather than 47dBA. In response, Mrs Desmond advised that this would not be considered reasonable because the Environmental Health Officer considered 47dBA to be appropriate.

Councillor Cotterill noted that the nearest householder would not be aware of the levels as yet and he was concerned that the noise levels could be amplified. He was also wary of the

size of the enclosure in the passageway and the public right of way being obstructed. However, he was mindful that it would be difficult to know if any issues would be encountered until the unit was installed.

Councillor Cotterill proposed that the application be granted as per officers' recommendations and this was seconded by Councillor Postan.

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

Approved

19/02902/FUL – 2 Witney Road, Long Hanborough

The Principal Planning Officer, Mrs Joan Desmond, introduced the application, advised that the officer recommendation in the report was one of approval and signposted Members to the additional information in the addendum.

Public submissions had been received and were read out on behalf of: Mr Cliff Jones and Mrs Heather Armitage, objecting; the Chairman of Long Hanborough Parish Council, Mr Neills Chapman, objecting; and Mr Luke Carter on behalf of Graham Soame, in support of the application. Summaries of their submissions are attached as Appendices A to D to the original copy of these minutes.

Information contained in the follow on report advised that five additional letters had been received reiterating concerns about the development, along with a response to those concerns from the applicant. It was also noted that Condition 2 of the report needed to refer to the revised plans received on 7 May 2020.

Councillor Davies opened the debate by thanking the officers for their help and to the developers for listening to the concerns raised and subsequently amending their plans. She referred to a previous application along the same road to which she had initially objected but where, on reflection, she now accepted that it looked appealing. However, she did raise concerns about 'over packing' on the site, changes to the street scene and the impact on nearby residents' solar panels. She referred to the shade analysis mentioned in the public submissions which also gave her concerns, the nearby hall which was used frequently and would be overlooked and she concluded by stating that she felt this application was domineering and overdevelopment of the site.

Councillor Beaney felt that the report was contradictory regarding the issue of over shadowing and queried why officers had not used policy H6 when assessing the application.

In response, Mrs Desmond explained that the overshadowing analysis had been based on good practice, recognised guidance and stated that the neighbours had used their own methodology. She advised that Policy H6 related to the re-use of existing resources which officers did not feel applied in this instance.

Councillor Chapple noted the Parish Council's comments regarding 'over packing' and felt that the development had one flat too many. She felt that flat nine had a restricted footprint and only velux windows which could be oppressive. She suggested that the removal of flat nine would reduce the loss of light.

Councillor Jackson advised that he had undertaken his own site visit and having looked at the house located opposite felt that it was difficult to compare the two. He congratulated the

Parish Council on their comprehensive notes and queried the disabled parking provision and turning area for refuse lorries.

In response, Mrs Desmond signposted Councillor Jackson to the County Highways' assessment in the report which advised that the parking provision was acceptable and disabled parking would be provided. There was also a condition which dealt with the access and egress of refuse vehicles, details of which would have to be agreed prior to work starting.

In response to a query from Councillor Cotterill, who felt that the street scene would be affected, Mrs Desmond advised that detailed discussions had taken place regarding the siting of the block of flats and it had already been moved further to the east from the original plan. In addition, the number of flats had been reduced from twelve to nine.

Councillor Postan felt that the change to the street scene was positive as it would be an improvement to the existing site. He therefore proposed that the application be granted as per officers' recommendations.

This was seconded by Councillor Bishop who stated that he did not feel there would be overlooking from the site and the development would improve the street scene. He also referred to the previously developed site opposite which was very well built and fitted in with the ethos of the area.

Councillor Saul supported the comments made in view of the fact that there was a demand for one bedroom properties and he understood the desire for downsizing.

Councillor Chapple reiterated her concerns about parking and the site being located on a very busy road.

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

Approved

20/00235/FUL – Post Office, 72 Main Road, Long Hanborough

The Principal Planning Officer, Mrs Joan Desmond, introduced the application, and advised that permission was sought for a change of use of the currently vacant unit to a coffee shop. The report contained a recommendation of approval subject to the conditions detailed.

Following a question from Councillor Davies regarding the viability concerns raised by the Business Development Officer, Members were advised that this was not relevant to the determination of the application.

Councillor Davies therefore proposed that the application be granted as per officers' recommendations. This was seconded by Councillor Jackson.

Councillors Chapple and Graham added their support and it was queried what the use of the second unit would be for. Officers advised that the use had not been specified in the application.

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

Approved

(The Chairman advised of a short comfort break and the meeting resumed at 3.30pm)

20/00307/FUL – Car Park, Guildenford, Burford

In accordance with his disclosure earlier in the meeting, Councillor Cotterill was withdrawn from the video conference during the consideration of this item.

The Senior Planning Officer, Miss Stephanie Eldridge, introduced the application and highlighted the information contained in the update report which detailed a letter from the applicant. She advised that the recommendation in the report was one of refusal.

A public submission had been received and was read out on behalf of Mr John White, Burford Town Council in support of the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

Information contained in the follow on report outlined a detailed additional representation from the applicant in response to the officer's report.

The Senior Planning Officer outlined the application and acknowledged that there was a need for additional parking in the area but there were clearly heritage and environmental constraints. She reminded Members of the clear objections from statutory consultees, the lack of a heritage assessment in the application and the comments made by Historic England and the Conservation Officer.

Miss Eldridge went on to explain that the application was felt to be an urbanising feature in the AONB and the Environment Agency had raised concerns regarding flood risk. With regards to Biodiversity, there was not enough information submitted with the application and no mitigating measures had been demonstrated. She therefore recommended refusal of the application for the reasons detailed in the report.

Councillor Postan stated that this was a highly important application due to Burford being known for its image and high street. However, the issue of parking was off putting to visitors and any additional parking required for a wedding at Warwick Hall would immediately cause a problem. He referred to the external experts' comments needing to be balanced with addressing the concerns of the community. He felt that any flood risk could be mitigated with a comprehensive warning system and the income from electric vehicle charging points could provide a degree of income towards the upkeep and maintenance of the car park. Councillor Postan did not agree with the comment made regarding newts in the report and thought there could be an opportunity to create a bridge as a feature. In addition, he felt the impact on the church would be minimal and he proposed that the application be approved subject to conditions, including the installation of EVCP's.

In response, the Chairman reminded Councillor Postan that there were technical aspects of the application that had not been completed and that the NPPF stated that all of those actions had to be done. Miss Eldridge agreed, advising caution before going against the advice from statutory consultees as this could result in the authority being fined.

The Chairman reminded the Committee that the applicant had not carried out all of the necessary responsibilities and that there was no fee for submitting a second application.

Councillor Postan agreed to take heed of the comments made, which had been well meant and well considered. Instead he asked if officers could work with the applicant to look at a way of making the proposal viable.

Councillor Graham proposed that the application be refused as per the officer recommendation and this was seconded by Councillor Beaney who stated that the mitigation measures had not been demonstrated but this was not a statement that Burford did not need a car park.

Further discussions took place about the need for additional parking provision, the permission required to build a footbridge on land owned by the Church and the need to heed the advice from the experts. In general, Members agreed that the applicant could resubmit an application, whilst working with officers to ensure it answered the queries raised. In its' present form, the application was incomplete and would have an impact on the environment.

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

Refused

20/00905/FUL – Land West of Soho Farmhouse, Great Tew

The Senior Planning Officer, Miss Stephanie Eldridge, introduced the part retrospective application for the change of use of land from agriculture to hotel, the replacement of a guest amenity building, 'five-a-side' pitch and new landscaping.

A public submission had been received and was read out on behalf of Mr Andrew Eaton of JPPC, in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

Information contained in the follow on report detailed a full list of the proposed conditions which would supersede those outlined in the original report.

Miss Eldridge advised that a campsite consisting of fifteen bell tents had opened on the site in 2016, which would allow the use of land as a campsite for a maximum 15 tents for up to 63 days a year. The Planning Authority advised Soho House to test the use to determine if the site was popular and whether demand would exceed the number of days permitted. The report advised that the campsite had operated for the last three and a half years and the campsite had retained 100% occupancy.

Miss Eldridge highlighted the introduction of additional landscaping which would have a positive impact on the site. With regards to the concerns raised by local residents regarding increased traffic, there would be no change to existing levels because the site had been operating at full capacity for some time. There was also no objection from the Highways Authority.

Councillor Beaney questioned the principle of development, the site operating without the correct permission for over three years and how officers had concluded that there would be no increase in traffic movement.

In response, Miss Eldridge explained that the premise had agreed with the authority to test the use to see if there was a demand for the facility they wanted to provide before permanent permission was granted. The demand had been proven and officers were satisfied that the test had been met. The report advised that as the existing Farm Camp had been at full capacity and in operation since 2016, there would be no change in daily traffic generation as a result of permitting a permanent year round use.

Councillor Haine provided clarification on the need to test the use before permission was granted.

Councillor Colston stated that he had never been in favour of the Soho operation and was concerned that the development continued to creep into agricultural land. He felt that every time it increased, it impacted on traffic volume.

Councillor Jackson raised a concern relating to the submission from Enstone Parish Council and he was also worried about the 'creep effect'. He noted that Soho House had worked with communities with projects such as 'Speedwatch' and he requested clarification on the 'Piglet Buildings' and the Biodiversity update.

In response, Miss Eldridge advised that the updated Biodiversity response was detailed in the follow on report and provided clarification on the location of the bell tents and the piglet buildings.

Councillor Postan was not in support of the application and queried what facilities the campers were using prior to the replacement toilet and shower facilities. Officers advised that members could use the existing gym facilities.

Councillor Chapple queried if the number of toilets and showers would be adequate but noted that the landscaping needed improvement.

Councillor Beaney agreed with the comments made about the 'creep effect', referenced another incoming application on the site for five units which had just been registered asked if there was a masterplan for the site, so that it could be addressed a whole.

In response, Miss Eldridge reminded Members that the application Councillor Beaney was referring to was an alternative scheme to replace five dwellings which the site had permission for but had not built. She advised that this had no relation to the application being considered today. She assured Members that officers had a good knowledge of the overall site.

It was proposed that the application be granted as per officers' recommendations and this was seconded by Councillor Davies, subject to the latest conditions detailed in the update report and below, which superseded those in the original.

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

Approved

1. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted;
2. The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted;
3. The development/buildings hereby permitted shall only be used for the uses specified in the application and for no other purposes. The bell tents and other facilities shall only be used as a part of the hotel and leisure complex and shall not be occupied or used separately as single dwelling houses.
REASON: In order to control the development and ensure the proper planning of the locality;

4. That the bell tent accommodation to which the application relates shall be removed on or before twenty five years from the date of this permission or within 3 months of the cessation of the sites use as a hotel and leisure complex, whichever is the sooner. A scheme to ensure that this can be complied with shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this consent.
REASON: The temporary nature of the development is not appropriate for permanent retention and to ensure the means to undertake the work to remove them are available.
5. The development shall be completed in accordance with the 'Conclusions and recommendations' on page 5 of the Ecological Assessment, dated 23rd march 2020, prepared by Environmental Consultants, as well as the External Lighting Plan (drawing no. 158), as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that bats, birds, badgers, amphibians and reptiles 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;
6. Before the erection of any external walls, details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) integrated within the walls of the new built structures and/or erected onto mature trees on site, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, 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;
7. No further development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles, amphibians, hedgehogs and badgers has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.
REASON: To ensure that reptiles, amphibians, hedgehogs and badgers are protected in accordance with the Wildlife and Countryside Act 1981 as amended, the Protection of Badgers Act 1992, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006; and

8. A comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following biodiversity enhancements:

- Wildflower meadow areas;
- Buffer strips alongside the hedgerows, sown with a shade tolerant wildflower seed mix;
- The planting of native, locally characteristic tree and shrub species,
- The planting and infilling of hedgerows using native, locally characteristic species;
- Woodland planting;
- The creation of hibernacula;
- A 5-year maintenance plan.

The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following this consent.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

(Councillors Colston and Postan requested that their votes against the approval of the application be recorded.)

20/00991/FUL – Land North of Gas Lane and Ascott Road, Shipton under Wychwood

The Senior Planning Officer, Miss Stephanie Eldridge, introduced the application and advised that the application was recommended for approval, subject to a Legal Agreement and conditions.

Public submissions had been received and were read out on behalf of; Mr Alan Vickers, objecting; and Mr Mike Gilbert, agent on behalf of the applicant. Summaries of their submissions are attached as Appendices G and H to the original copy of these minutes.

The Senior Planning Officer then presented her report and explained that a previous application on the site had been refused in 2019, due to the contrived design of plot 1. This application had been revised, placing the smaller dwelling to the front of the site and further back than on the original plan. In addition, the landscaping provision had been increased and the form simplified. Miss Eldridge requested that authority be delegated to officers, in conjunction with the Chairman, to approve the application, subject to the drainage team withdrawing their objection and conditions.

Councillor Haine was not comfortable with the application and felt that it could be amended further. He felt that plot 2 needed to be reduced, away from the western boundary and he noted that this was a sensitive site in the Conservation Area and an Area of Outstanding Natural Beauty. Councillor Haine added that in his opinion the application did not conform to policies OS2, EH1, EH2, EH3 and EH10. He therefore proposed that the application be deferred to allow officers to discuss the reduction in size and siting of plot 2 with the applicant.

This was seconded by Councillor Graham who felt the application needed further consideration.

In contrast, Councillor Postan felt that the applicant and officers had spent time amending the proposal and had done what was asked of them. He also felt that robust conditions would assist.

Councillor Owen stated his support for the application which had been a long, hard fought process. He felt that the proposal would bring benefit to the area and improve the existing overgrown site.

Councillor Chapple agreed with Councillor Haine that the site was sensitive and needed to be considered carefully. She referred to the 2017 plans which had not commenced and felt that the authority should proceed with caution.

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

Deferred to allow officers to liaise with the applicant with a view to reducing the size of Plot 2 and moving it away from the western boundary.

(Councillors Colston, Owen and Postan requested that their votes against the recommendation be recorded.)

10. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPLICATIONS WITHDRAWN

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

The meeting closed at 5.00pm

CHAIRMAN